

LIBERTY

WASHINGTON
D. C.

A MAGAZINE FOR RELIGIOUS FREEDOM





DECLARATION of PRINCIPLES

RELIGIOUS LIBERTY ASSOCIATION

WE BELIEVE in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.

WE BELIEVE that the Ten Commandments are the law of God, and that they comprehend man's whole duty to God and man.

WE BELIEVE that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.

WE BELIEVE in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.

WE BELIEVE it is the right and should be the privilege of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.

WE BELIEVE that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.

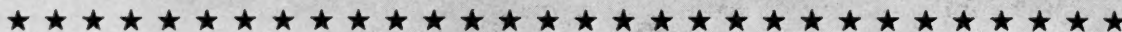
WE BELIEVE, therefore, that it is not within the province of civil government to legislate on religious questions.

WE BELIEVE it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.

WE BELIEVE in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.

WE BELIEVE in the golden rule, which says, "Whatsoever ye would that men should do to you, do ye even so to them."

*Religious Liberty Association, 6840 Eastern Avenue,
Takoma Park, Washington 12, D.C.*



In This Issue

Vol. 42—No. 2
Second Quarter
1947

OUR FLAG

My lady sews with solemn mien
This flag of colors three.
These stars and stripes must always fly
O'er land of brave and free.

For see, my lady's thoughts go deep—
She views a deadly scene,
When soldiers march beneath its folds
And fall upon the green.

The picture fades; time heals the wounds,
Brings joyous peace, not hate.
My lady smiles again and sews
A star for every State.



HEBER H. VOTAW—EDITOR

Associate Editors—C. S. Longacre, F. H. Yost,
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COVER

Making the First Flag Color Photo by S. M. H.

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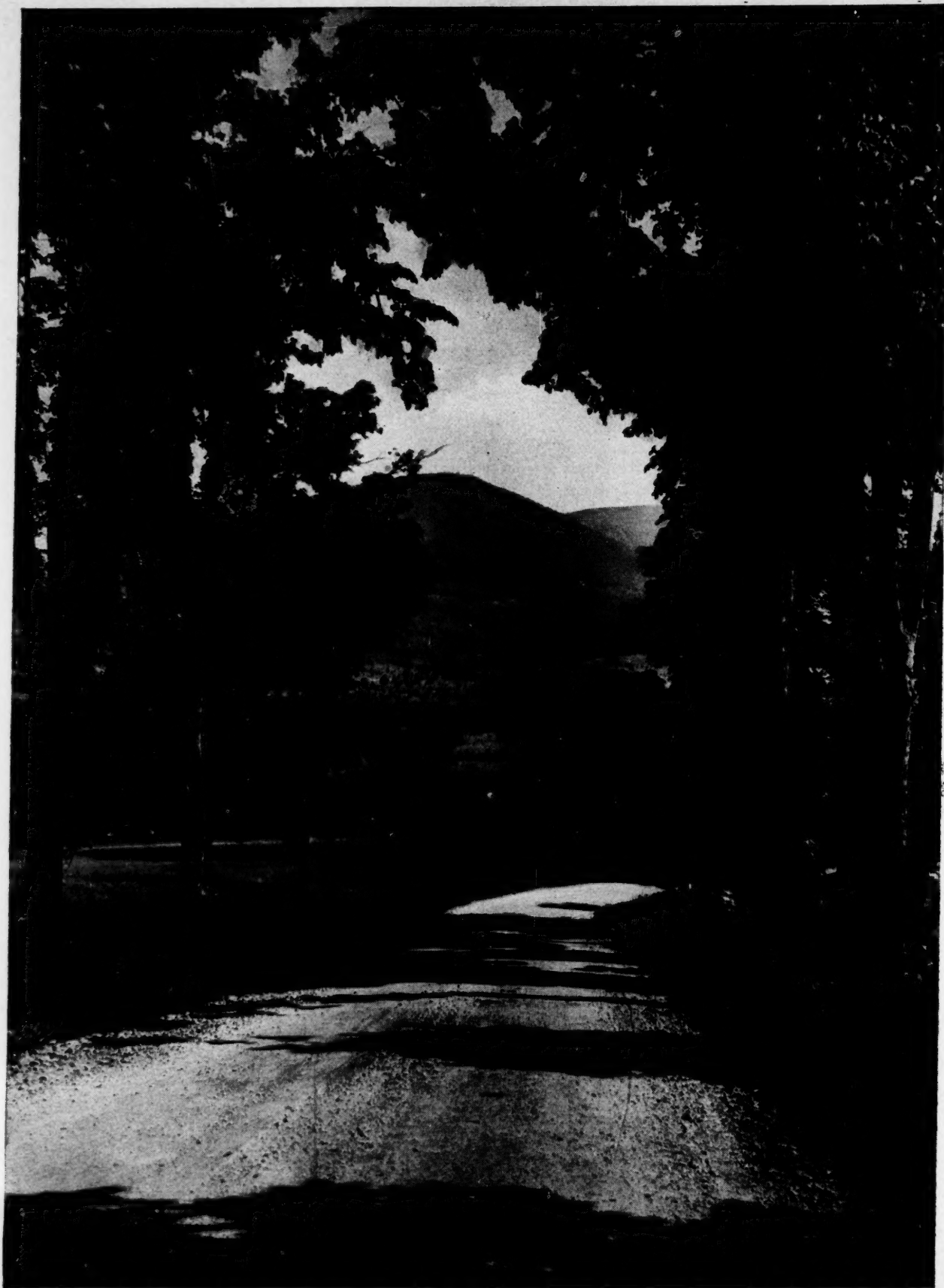
There was a time in the history of our country when the first flag was made. This we have endeavored to re-enact on our cover. Just when it was made and by whom we cannot be sure. Tradition tells us that it was Betsy Ross, of Philadelphia. The thirteen original States were represented by thirteen alternate bars of red and white. Likewise there were thirteen stars on a field of blue. We have seen to it that our flag has kept pace with the growth of our country, and as new States have joined the original thirteen, additional stars have been added, until now they number forty-eight. There is talk of adding more in the not-too-distant future. It is a glorious flag that flies over our fair land. Let us as individual citizens and as a nation bring honor to our emblem by living in harmony with the principles for which this nation stands. All honor to the men who founded this nation upon a platform of complete separation of church and state. This magazine has dedicated itself to the perpetuation of these principles.



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T. K. M.



MARTHA E. BORHAM

Just a Bit of Wonderful America in the Valley of the Green Mountains of Old Vermont



EWING GALLOWAY

Turning Back the Wheels of Progress

The Supreme Court Decision on the New Jersey School-Bus Law

By HEBER H. VOTAW

IN 1941 THE NEW JERSEY LEGISLATURE passed an act containing the following provisions:

"Whenever in any district there are children living remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such children to and from school, including the transportation of school children to and from school other than a public school, except such school as is operated for profit in whole or in part.

"When any school district provides any transportation for public school children to and from school, transportation from any point in such established school route to any other point in such established school route shall be supplied to school children residing in such school district in going to and from school other than a public school, except such school as is operated for profit in whole or in part."

A taxpayer brought suit to prevent the using of tax monies for the transportation of children to Roman Catholic parochial schools, believing that this was a violation of both the State and the Federal Constitutions. The New Jersey Supreme Court, which is not the highest court in the State, ruled that the statute was unconstitutional. But the State's highest court, the Court of Errors and Appeals, overruled the supreme court and declared the act constitutional.

SECOND QUARTER

On an appeal from this latter court, the case was considered by the United States Supreme Court. On February 10, our highest tribunal, by a divided vote of 5 to 4, upheld the constitutionality of the law in question.

Mr. Justice Black spoke for the majority. Though he knew (1) that the only nonpublic school children benefiting by the law were those attending Roman Catholic parochial schools; (2) that the law explicitly barred from its benefits those children who might attend any private school operated for profit, even though they were backward or defective and needed the help that could not be given in the ordinary public school; (3) that these Catholic children did not ride in publicly owned busses or in busses privately owned and hired by proper authorities to transport school children, but rode as "ordinary paying passengers on the regular busses operated by the public transportation system"; (4) that the money appropriated was paid the parents of parochial school children to reimburse them for the money they spent in getting their children "safely and expeditiously to and from accredited schools," he ruled there was no union of church and state.

The opinion makes extended reference to the First Amendment which declares, "Congress shall make

no law respecting an establishment of religion." It reviews "the background and environment of the period in which that constitutional language was fashioned and adopted," referring to the prejudices and persecutions of the Old World which had come with the immigrants to the New World, and finally says that the people who founded our nation "reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions."

A great deal of lip service is paid to the Constitution and its guarantees of complete separation of church and state, with the last paragraph of the opinion evidently to be the capstone: "The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach." How noble that seems! How confident we are that our country is safe, that its institutions are secure, that no union of church and state can ever rise to plague us here! But all these fine words are reduced to nothing by the last sentence: "New Jersey has not breached it."

The dissent, written by Mr. Justice Rutledge and agreed to by Mr. Justice Frankfurter, Mr. Justice Jackson, and Mr. Justice Burton, is much more than a sentimental reference to the events leading to the adoption of the First Amendment. It is a critical review of the history preceding its adoption, a fine definition of what its authors understood it to mean and an unanswerable argument to show that the

paying of tax funds for any sectarian purpose is a union of church and state. We shall quote with but little comment some of the sentences from this dissent:

"Not simply an established church, but any law respecting an establishment of religion is forbidden. The Amendment was broadly but not loosely phrased. . . .

"The Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such as had prevailed in England and some of the colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion. . . .

"The Amendment was not duplicitous. 'Religion' and 'establishment' were not used in any formal or technical sense. The prohibition broadly forbids state support, financial or other, of religion in any guise, form or degree. It outlaws all use of public funds for religious purposes."

To show that the problem of giving taxes to support church schools is not new, and to prove how Madison, Jefferson, and Mason viewed it, Justice Rutledge refers at some length to the Assessment Bill that was before the Virginia House of Burgesses for some time. This bill furnished the ground for the study of great principles since it "was nothing more nor less than

a taxing measure for the support of religion, designed to revive the payment of tithes suspended since 1777. So long as it singled out a particular sect for preference it incurred the active and general hostility of dissentient groups. It was broadened to include them, with the result that some subsided temporarily in their opposition. As altered, the bill gave to each taxpayer the privilege of designating



EWING GALLOWAY

The Question of Whether Children Attending Religious Schools Should Be Allowed Transportation in Tax-supported Buses; the Question of Increased Salaries for Teachers; More School Buildings—These Are All Questions That Trouble and Perplex at the Present Time.

THE GROUND OF LIBERTY IS TO BE GAINED BY INCHES. WE MUST BE CONTENTED TO SECURE WHAT WE CAN GET FROM TIME TO TIME AND ETERNALLY PRESS FORWARD FOR WHAT IS YET TO GET. IT TAKES TIME TO PERSUADE MEN TO DO EVEN WHAT IS FOR THEIR OWN GOOD.

—Jefferson.

which church should receive his share of the tax. In default of designation the legislature applied it to pious uses. But what is of the utmost significance here, 'in its final form the bill left the taxpayer the option of giving his tax to education.' This bill's opponents held that "state aid was no less obnoxious or destructive to freedom and to religion itself than other forms of state interference. . . . Madison and his co-workers made no exceptions or abridgments to the complete separation they created. Their objection was not to small tithes. It was to any tithes whatsoever. 'If it were lawful to impose a small tax for religion the admission would pave the way for oppressive levies.'"

From the history cited, Justice Rutledge concludes that "no further proof is needed that the Amendment forbids any appropriation, large or small, from public funds to aid or support any and all religious exercises." He speaks of present-day dangers thus: "Today, apart from efforts to inject religious training or exercises and sectarian issues into the public schools, the only serious surviving threat to maintaining that complete and permanent separation of religion and civil power which the First Amendment commands is through use of the taxing power to support religion, religious establishments, or establishments having a religious foundation whatever their form or special religious function. . . .

"Payment of transportation is no more, nor is it any the less essential to education, whether religious or secular, than payment for tuitions, for teachers' salaries, for buildings, equipment and necessary materials. Nor is it any the less directly related, in a school giving religious instruction, to the primary religious objective all those essential items of cost are intended to achieve. No rational line can be drawn between payment for such larger, but not more necessary, items and payment for transportation. The only line that can be so drawn is one between more dollars and less. Certainly in this realm such a line can be no valid constitutional measure. . . . Now, as in Madison's time, not the amount but the principle of assessment is wrong. . . .

"But we are told that the New Jersey statute is valid in its present application because the appropriation is for a public, not a private purpose, namely, the promotion of education, and the majority accept this idea in the conclusion that all we have here is 'public welfare legislation.' If that is true and the Amendment's force can be thus destroyed, what has

been said becomes all the more pertinent. For then there could be no possible objection to more extensive support of religious education by New Jersey. . . .

"The great condition of religious liberty is that it be maintained free from sustenance, as also from other interferences, by the state. For when it comes to rest upon that secular foundation it vanishes with the resting. . . . Public money devoted to payment of religious costs, educational or other, brings the quest for more. . . .

"Two great drives are constantly in motion to abridge, in the name of education, the complete division of religion and civil authority which our forefathers made. One is to introduce religious education and observances into the public schools. The other, to obtain public funds for the aid and support of various private religious schools. . . .

"The judgment should be reversed."

While concurring in the dissent of Justice Rutledge, Justice Jackson spoke for himself and Justice Frankfurter in a devastating assault upon the reasoning of the majority. A few quotations are offered:

"The undertones of the opinion, advocating complete and uncompromising separation of Church from State, seem utterly discordant with its conclusion yielding support to their commingling in educational matters. . . .

"The Constitution says nothing of education. It lays no obligation on the states to provide schools and does not undertake to regulate state systems of education if they see fit to maintain them. But they cannot, through school policy any more than through other means, invade rights secured to citizens by the Constitution of the United States. *West Virginia State Board of Education v. Barnette*, 319 U.S. 624. One of our basic rights is to be free of taxation to support a transgression of the constitutional command that the authorities 'shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.' . . .

"I should be surprised if any Catholic would deny that the parochial school is a vital, if not the most vital, part of the Roman Catholic Church. If put to the choice, that venerable institution, I should expect, would forego its whole service for mature persons before it would give up education of the young, and it would be a wise choice. Its growth and cohesion, discipline and loyalty, spring from its schools. Catholic education is the rock on which the whole structure rests, and to render tax aid to its Church school is

indistinguishable to me from rendering the same aid to the Church itself. . . .

"The effect of the religious freedom Amendment to our Constitution was to take every form of propagation of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayer's expense. That is a difference which the Constitution sets up between religion and almost every other subject matter of legislation, a difference which goes to the very root of religious freedom and which the Court is overlooking today. This freedom was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the states' hands out of religion, but to keep religion's hands off the state, and above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse. Those great ends I cannot but think are immeasurably compromised by today's decision. . . .

"I cannot read the history of the struggle to separate political from ecclesiastical affairs, well sum-

marized in the opinion of Mr. JUSTICE RUTLEDGE in which I generally concur, without a conviction that the Court today is unconsciously giving the clock's hands a backward turn."

Justice Jackson believes the Court's action has given "the clock's hands a backward turn," and the four dissenting Justices all think the judgment should be reversed. Those who believe in the complete separation of church and state agree. We are safe in saying that millions have been stunned by this decision, and we hope that every legal means will be employed to bring about the reversal that the minority of the Court believe should occur.

The decision must not be allowed to stand. There must be legal ways to secure a reconsideration of the question involved. It cannot be that America in the short span of her history has forgotten all that went into the foundation of the Republic. We have been engrossed with material things. Maybe our prosperity has blinded us to principle and made us forgetful of our precious heritage of freedom. But we do not want to think that America is willing to return to the shackles that always go with a union of church and state.

The State of the Nation

By FELIX MORLEY

JAMES MADISON, whose services as President are overshadowed by his contribution as "master-builder of the Constitution," was by nature and training a precisian in language. In one of the *Federalist* essays (No. 37) he wrote:

"The use of words is to express ideas. Perspicuity, therefore, requires not only that the ideas should be distinctly formed, but that they should be expressed by words distinctly and exclusively appropriate to them. But no language is so copious as to supply words and phrases for every complex idea, or so correct as not to include many equivocally denoting different ideas."

To a much greater extent than people generally realize, our social difficulties trace to this fact that the same word may convey different ideas to different people.

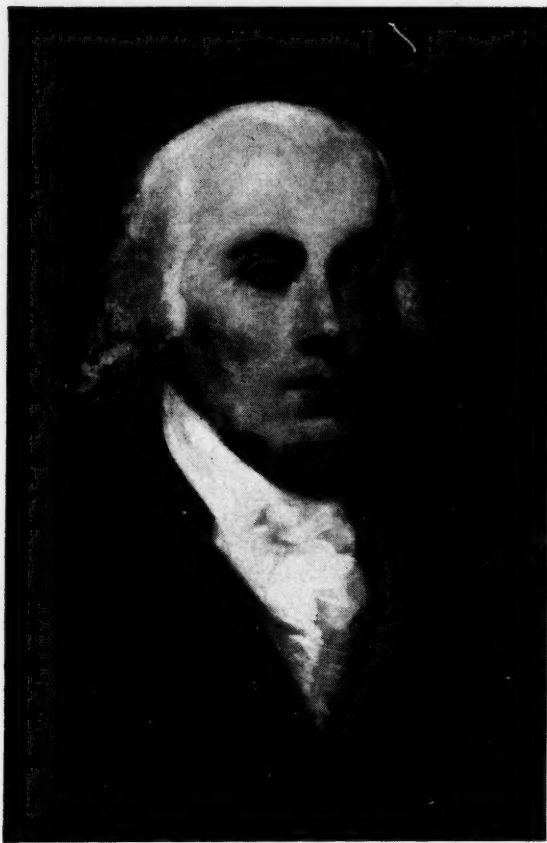
When this happens, people think and act at cross-purposes. Thus confusion is produced, aggravating simple problems and making those which are inherently difficult almost impossible of solution. Co-operative intentions and constructive intelligence are

alike frustrated when mutual understanding is blocked by the inaccurate use of really significant words.

Complications arising from the careless use of words have always been present, but are today unusually pronounced. In part that is because the validity of fundamental American ideas is currently challenged from within as well as without, more aggressively than ever before. Also, in a contest of ideas such as is now in progress, the unscrupulous do not hesitate to give a deceptive verbal camouflage to thoughts which would be deeply resented if they were honestly expressed.

Liberty Is Misused

The word "liberty" provides a case in point. As will be demonstrated, this word represents the most fundamental idea in the American system of government. Because of its long association with lofty thoughts and sacrificial deeds the word has acquired a strong emotional flavor. That is as should be, *provided* it is correctly used. But when this word is



H. P. COOK

CATLIN, ARTIST

Liberty-loving Americans Must Give to James Madison, Builder of the Constitution, Much of the Credit for the Freedom We Enjoy Under This Matchless Document

employed to popularize an idea which is the exact opposite of liberty, its very seductiveness makes the deception the more dangerous. If indiscriminating people are repeatedly assured that what is really slavery is liberty, their admiration of the latter word may itself help to reduce them to a condition of servitude.

When the basic word "liberty" is misused, its derivatives, like "liberal" or "liberate," will also be misused. The parent noun represents an abstract idea and the harm done by popular confusion in regard to abstractions works slowly. But a liberal is a particular person who believes in and works for liberty—his own and that of others. And to liberate is to act effectively in a manner calculated to promote liberty. So unless we know what liberty is, and demand insistently that the word be used correctly, we are likely to discover that people working for tyranny are calling themselves liberals.

It would not be difficult to name more than one prominent American who today vociferously identifies himself with "liberalism," but who actually believes in the suppression of freedom. It would not be diffi-

cult to prove that the gigantic effort to "liberate" Europe has tragically resulted in replacing the Nazi tyranny, in a large part of that Continent, by one which is equally ruthless and oppressive.

Our Future Depends on Words

This indicates that the subject of semantics, which is the study of the accurate meaning of words, is no mere academic exercise. On the contrary, the future of our Republic may well depend on the care or carelessness with which we describe the ideas which alone give it distinction.

To support that assertion it is helpful to quote the Preamble to the Constitution, which states the purpose of our system of government in a single brief sentence:

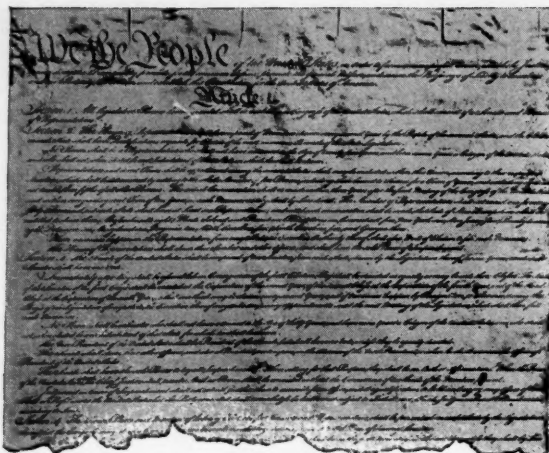
"We, the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

The thought which is packed into these 50 words tends to obscure the fact that they list six separate objectives. And among these the one which is crowning and culminating is to "secure the Blessings of Liberty."

We would know that to be the main objective of our governmental system even if every history book and every official document other than the Constitution were destroyed. For none of the first five purposes listed in the Preamble requires the meticulous division of governmental powers, the checks and balances, established by the Articles which follow. A centralized dictatorship would have developed a far more perfect union than the one which, three quarters of a century after its founding, was split by a tragic civil war. Similarly, our elaborate Constitution was not needed to establish justice; to preserve domestic tranquillity; to create a military establishment; or to promote the general welfare. All that could be done by a far more primitive structure of government than our own.

It was with good reason believed, however, that the "Blessings of Liberty" would be secured only by dividing political authority between the Federal Government and the Government of the states, and then by further dividing this authority among the Legislative, Executive and Judicial branches in both national and state governments. This dual separation of power is of course designed to defend the liberty of the individual. It does so by protecting him from the abuse of power which is always characteristic of every unchecked government.

No mechanical system can "secure the Blessings of Liberty" for a people, unless they themselves have



We Would Do Well to Reread More Often Than We Do This Basic Law of Our Land. One Is Always Thrilled When the Opportunity Presents Itself of Viewing the Original in the Library of Congress

a clear understanding of what liberty is, and what it is not.

Unless this understanding is widespread, and held as a vital faith, the victory will go to those who are always seeking to exercise power over others, and who do not hesitate to distort the meaning of words in order to obtain it.

Already we have reached the stage where permanent conscription of young men is being sweetly described as "universal service" and where the doctrines of tyranny are brazenly advocated as a code of "democracy." While there is still time we should recall the sad admission made by Isaac to Esau, in that story of deceit told so graphically in the twenty-seventh

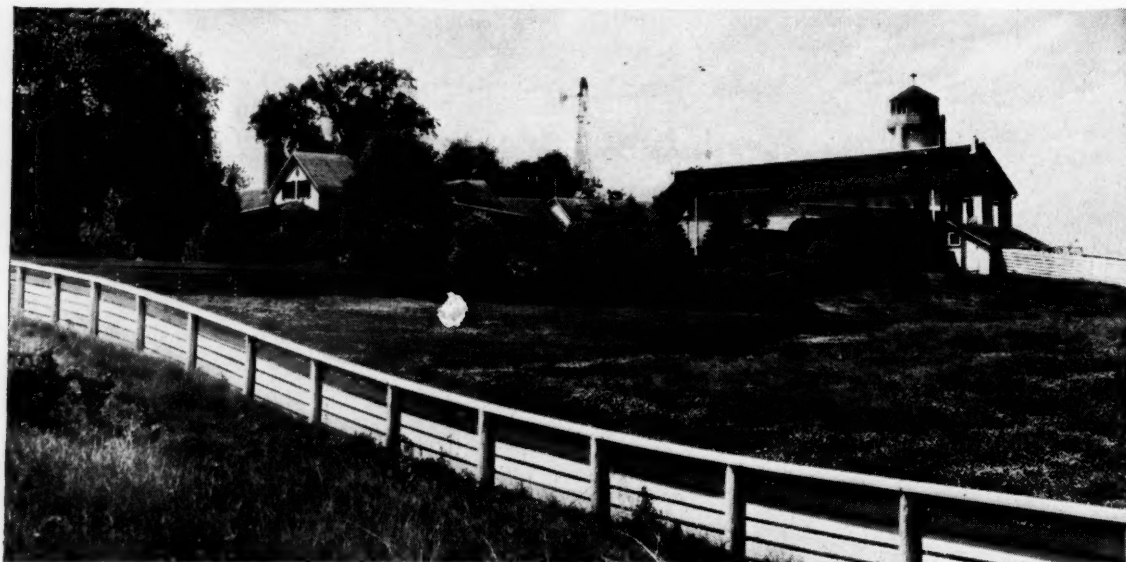
chapter of Genesis: "Thy brother came with subtilty, and hath taken away thy blessings."

Because the word "liberty" is used so loosely it now requires an actual effort for many Americans to understand that it is fundamentally a spiritual aspiration, and thus to distinguish liberty from the physical condition of freedom—for the two words are not synonymous. But appreciation of the inner meaning of liberty can be gained from a careful reading of the Preamble to the Constitution, as printed above.

Citizens Must Preserve Liberty

Between the first five objectives set forth in the Preamble, and its final intent to "secure the Blessings of Liberty," there is an important distinction, other than the one already mentioned. All the preliminary aims can be paternalistically provided for the people. But realization of the blessings which come from liberty, whether these take the form of spiritual or material contentment, depends entirely on exertion *by* the people and is therefore dependent on the character *of* the people.

Liberty, in other words, is actually a quality which emanates from individuals. In the words of Thomas Jefferson: "The God who gave us life, gave us liberty at the same time." Governments can establish conditions, like those of freedom and slavery, which are favorable or unfavorable to the quality of liberty. They can also "secure" the blessings attendant on that quality. But while the State can do much to destroy liberty, as it can do much to destroy life, it is powerless to create either of these individual qualities. For they are the gift of Divine—not human—Authority. —*Nation's Business*, February, 1947.



EWING GALLOWAY

An American Farmstead in This Land of Liberty That Is Very Pleasing to the Eye, One That Photographers Dream About but Seldom See

Religious Lobbies

How Much May Churches Properly Seek to Influence Government?

By WILLIAM H. HACKETT

[William H. Hackett has been for twelve years secretary to a Congressman. While working on Capitol Hill, he has carefully watched the bills introduced into Congress. He is an ardent advocate of religious liberty and of the complete separation of church and state, and has written from time to time for other journals. We are sure our readers generally will like his contribution.—EDITORS.]

IN THE LIBRARY OF CONGRESS in Washington there is a small timeworn book, stained with its two and a quarter centuries of age, entitled *A Letter from one Clergy-man to another, Concerning Ministers Intermeddling with State-Affairs, either in their Pulpits or in Private Conversations, setting forth How far that is warrantable by the Word of God, or the Policy of Government.*

The book was published in 1714 in Warwick-lane, London, but the name of the author is not indicated. It is indicated, however, that at that date ministers of the gospel were not in accord as to the extent to which heads of the church should go in advising representatives of the government on the affairs of state.

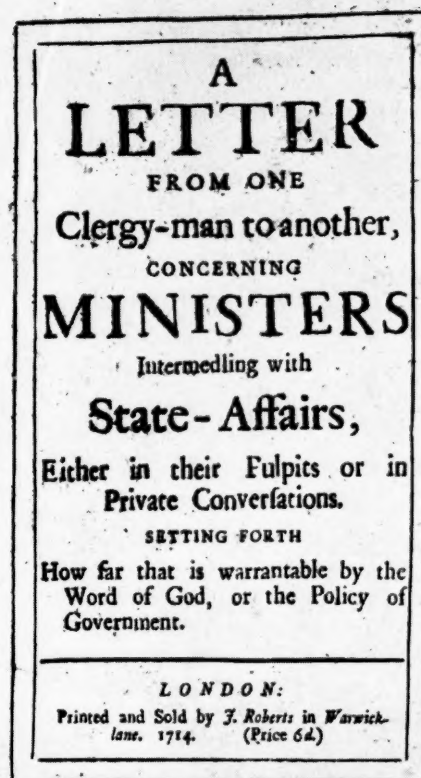
The unidentified author says, "Let us first agree what we mean by matters of State. As for myself, I conceive State-matters to be all manner of Councils, Designs, Endeavors and Actings, which are undertaken or prosecuted by those that manage with Power and Authority, Publick Affairs relating to the Possessions, Rights, Freedoms, Privileges, Prerogatives, and Persons of men as they are Members of Commonwealth or Kingdom. In which matters, I think it not at all lawful for me to interpose my Judgment in the Pulpit, or to intermeddle farther than the Apostle hath commanded."

The writer cites such texts as "Be not busy with other men's affairs" (1 Pet. 4:15), "And what have I to do to judge them that are without?" (1 Cor. 5:12), and "And who art thou that judgest another man's servant? to his own master he standeth or falleth" (Rom. 14:4).

Based on these texts the writer then observes, "Now when I reflect upon my self in reference unto these laws, my conscience doth tell me, that I am not called to manage the Affairs of State, but that they belong to other men; and therefore that I ought not to be busie in them, and trouble my self about them."

He continues saying, "The end of Preaching, is to perswade us to the belief of God, and not to please

SECOND QUARTER



LIBRARY OF CONGRESS

This Facsimile Was Made From the Title Page of the Book Mentioned in This Article. It Is Kept in the Rare-Book Room of the Library of Congress

men, or become their Servants, but God's alone. Gal. 1:10—"For he that intendeth to please men, is no more the servant of Christ." Now when Men set themselves to speak of State-matters in the Pulpit, their aim is either to please the Magistrates by commending them to the people, or to shew their Dislike against their proceedings by reproving the same, which doth tend to make the People displeased with their Magistrates."

That, of course, was merely one man's views—perhaps at times in history very much a minority view, because the intermeddling of ministers in affairs

of state is a well-known matter of record down through the pages of Christian history.

That writer's views are an extreme contrast to the present practice of large church organizations maintaining permanent headquarters in Washington for the purpose of being close to the lawmakers and the seat of national government. Many of these groups have conducted themselves in such a manner that they have been classed with other pressure groups.

In the United States there has been a wide range in this "intermeddling." Citizens of this nation are assured, by the First Amendment of the Constitution, the free exercise of their religion, and the same article guarantees them the right "to petition the Government for a redress of grievances."

In a number of instances in this generation large blocs of religious bodies have combined in seeking what they felt was "redress of grievances." One such instance was the drive for the prohibition amendment. Some of our citizens would undoubtedly call that intermeddling, but it certainly was not of the type as when church leaders actively and from their pulpits entered into Presidential and local election campaigns.

Organized religion as a pressure group is not at all new in this country. It will be recalled that during the early days of our colonies some sections adhered to the Church of England and others were dominated by Roman Catholics. This difference of religion was carried into civil affairs. In the earliest days of our nation, with a one-party government, the churches had little difficulty in their relation to government. Then two things happened. One was the introduction of the two-party system, and the other was Roger Williams with his doctrine of separation of church and state.

The New England Congregational clergy is credited with supporting the Federalist movement, and Paxon says Jefferson's Democratic Republican party had the support of the Presbyterian, Methodist, and Baptist ministers. Jefferson is credited by Claude Bowers in his book *Jefferson and Hamilton* with paying the salary of the first Baptist missionary in the State of Illinois because he so highly valued his services in organizing churches of the Democratic order on the frontier.

There have been three outstanding instances where the churches took sides in wholesale fashion on great national political issues. Two of these involved prohibition—the first for the adoption of the amendment, when preachers headed the campaign for its adoption, and the second when many ministers entered the 1928 Presidential election contest between the late Al Smith and Herbert Hoover, with repeal of the prohibition amendment as a big issue and Smith's religion running a close second. Many preachers learned the



EWING GALLOWAY

The Work of the Church Is Salvation of Souls, Not Partisan Politics

lesson in intermeddling to the extent of partisan politics in this latter instance. The other occasion was prior to the outbreak of hostilities between the North and the South, when many pulpits of the South became defenses for slavery and those of the North became sounding boards for the abolitionists.

While from these examples it would not seem difficult to draw the line of distinction between the church exercising the right of petition and the church entering politics, in reality the problem is not so easy of solution. True, the church has no place in politics with respect to turning its pulpit into a political platform and its periodicals into partisan propaganda mills. On the other hand, has the church a right to work for the defeat of corrupt officeholders who are blind to crime, loose morals, and disgraceful disorder? Can the church speak to the government in behalf of child labor, social security, international disarmament? These are the questions to be weighed in determining the extent the church should and can go.

The church in this era has appeared in a new form in its dealings with government. As a matter of fact its activity along this new line has expanded to such an extent that certain church groups now come under the category of "lobbyists." Churches of the nation appear to have experienced a new awakening with respect to their national legislature and are active in that respect as never before.

This involves politics in a different sense. Webster defines *political* as "having to do with the organization or action of individuals, parties, or interests that seek to control the appointment or action of those who manage the affairs of a state."

Truly the churches—Catholic, Protestant, and Jewish—have entered the political field "seeking to control . . . the action of those who manage the affairs of a state." Churches were active in such prewar questions as neutrality, the embargo, and conscription. Since the end of the war they have interested themselves in peacetime military training,



The Function of the State Is in the Field of Government, Not Religion

the atom bomb, food for war victims, the refugee question, social security, poll tax repeal, and a host of other issues.

Today religion is well represented by spokesmen in Washington. Regularly they confer with statesmen. From time to time some of them get the ear of the President. Some months ago Congress enacted the "Federal Regulation of Lobbying Act." It is not clear whether religious institutions having representatives in Washington purely for the advancements of the interests of their faith, come under the category of lobbyists. Some churches apparently have felt they do. Obviously if the church representative receives pay or any consideration, quoting the law, "for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States," then he is required to register as a lobbyist with the Secretary of the U. S. Senate and the Clerk of the U. S. House of Representatives.

The Reformed Presbyterian Church, Synod of North America; the Council for Social Action of the Congregational-Christian Churches; the Friends Committee on National Legislation, and the Christian Amendment Movement are among the church groups filing reports of lobbying activities under the new law during the last quarter.

Perhaps the two largest lobbies in Washington are the National Catholic Welfare Council, speaking for the Roman Catholic churches, and the Federal Council of Churches of Christ in America, representing a large segment of the Protestant churches.

In a study entitled "Group Representation Before Congress," the Brookings Institute says of the National Catholic Welfare Council, "This organization in its attitude has generally taken a negative or defensive position in matters regarding national legislation. It has no program of reform that it wishes to have enacted into law, but when matters concerning the interests of Catholics, as such, arise, the Welfare Council appears before the national government as the spokesman for the Catholic church."

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Brookings quotes one of the National Catholic Welfare Council booklets as saying, "Just as soon as we begin to talk such subjects as Catholic education, the Catholic Press, immigrant aid, Americanization, the industrial problem, the divorce evil, social justice, birth control, girls' and boys' welfare, lay organization, the stage and the screen, rural welfare, training for social service, and topics of kindred character, we are compelled at once to regard them in the light of their interest to the whole Catholic body as well as to the public at large."

Of the Federal Council of Churches, Brookings says, "Unlike the National Catholic Welfare Council, this association does not wait until legislation looms that threatens the members of the church. It stands to deal constructively with great social and international problems as they arise."

Today religion in the United States is head over heels in a drive for one phase or another of so-called social legislation, while at the same time the churches seek to advise the statesmen on how to plan the peace and handle great international problems. *The Annals*, the publication of the American Academy of Political and Social Science, recently discussed "organized religion as a pressure group" and listed some seventeen categories, each category having several branching phases, of issues involving social pronouncements on which it said all three major representatives of organized religion have agreed. They include such items as social planning and control of credit, social insurance, reduction of working hours for laborers, right of collective bargaining, economic justice for the farmer, and equal rights.

Then, too, there are among the legislative reformers those who would have the Government do by force what the church has been unable to do through the pulpit. They advocate such proposals as religion in the public schools, Federal tax money for advertising religious days, certain religious tests, and a variety of other proposals by which they hope to pry the people back into the churches.

American churchmen will do well to pause and catch their breath and survey the course they are taking. For the good of religion, how much more involved shall our churches get in affairs of state? There may come a saturation point when Government may say, "You go back to your pulpit; we'll handle matters of government."

That day should never come in America when there is a clash between the church and the state. Each is powerful in its own sphere. Leaders in both groups must realize there is a boundary line which the other cannot safely cross without endangering the foundation upon which our Government has become great and which has given religion the widest scope of freedom.



The Famous Arch of Constantine

The First Civil Sunday Laws—Part II

Constantine's Interest in Religion

By **ROBERT LEO ODOM**

THE FAMILY GOD of Constantine, emperor of Rome (A.D. 306-337) was Apollo, the solar deity identified with the old Roman Sol since the time of the Caesars. In 308, after he had put down an uprising of the Franks, Constantine went to the temple of Apollo at Autun, in Gaul, and made an offering of gratitude for the victory. When the Franks revolted again in 310, Constantine visited the same temple, and Eumenius, the pagan orator, delivered an oration for the solemn occasion, extolling Constantine as one having divine virtues. By the words "thine Apollo" and references to Sol (the Sun), the speaker reminded Constantine of his family god. He delicately suggested the appropriateness of repairing the temple of Apollo and other buildings in that city. The following year Eumenius presented to Constantine the formal thanks of Autun for the restoration of that temple and other buildings.¹

Indeed, it was while he was "praying with fervent entreaty" toward the declining Sun that Constantine, as he himself alleges, saw the sign of the cross above the solar disk.²

Edward Gibbon, the historian, declares: "The devotion of Constantine was more peculiarly directed to the genius of the Sun, the Apollo of Greek and Roman mythology; and he was pleased to be represented with the symbols of the god of light and poetry. The unerring shafts of that deity, the brightness of his eyes, his laurel wreath, immortal beauty, and elegant accomplishments seem to point him out as the patron of a young hero. The altars of Apollo were crowned with the votive offerings of Constantine; and the credulous multitude were taught to believe that the emperor was permitted to behold with mortal eyes the visible majesty of their tutelar deity; and that, either waking or in vision, he was blessed with the auspicious omens of a long and victorious reign. The Sun was universally celebrated as the invincible guide and protector of Constantine."³

Julian the Apostate (360-363) said of Constantine in a discourse addressed to the Sun, "Why hast thou not struck with thy sharp darts that daring mortal, deserter of thy worship?"⁴ Thus he accused Constantine of deserting sun worship to espouse Christianity.

Long after he had defeated Maxentius in battle (312), Constantine was still a heathen. It was not until 323, when his pagan brother-in-law Licinius, the last of his rivals for the supreme power over Rome, was defeated, that Constantine openly professed the Christian religion and showed hostility toward paganism. He even postponed his baptism into the Christian faith until shortly before his death in 337.

As soon as he arrived in Rome, after the defeat of Maxentius, Constantine assumed the insignia and office of Pontifex Maximus as head of the official religion of the state, which was the Mithraic cult of the Invincible Sun. He retained this position as the official head of paganism throughout the rest of his life.⁵

Prior to his victory over Licinius the coins of Constantine abounded with the stamp of heathenism, particularly the imprint of sun worship. The names of Apollo, Mithra, and the Invincible Sun often appear on his coins. For example, on one we find the phrase "*Soli Invicto Mithrae*" (To the Invincible Sun, Mithra). On another we read "*Soli Invicto Comiti*" (To the Invincible Sun, Colleague). In some cases a portrait of Constantine himself is shown with that of the Invincible Sun as his protector and colleague.⁶

Constantine undoubtedly was interested in Christianity from the time of his professed vision of the cross above the Sun in 312. Soon after the victory over Maxentius, he and Licinius published (in 313) the famous Edict of Milan, in which they said: "We resolved, that is, to grant both to the Christians and to all men freedom to follow the religion which they choose, that whatever heavenly divinity exists may be propitious to us and to all that live under our government."⁷

Thus for the first time Christianity was placed on a legal footing with all other religions in the Roman Empire, and with them it enjoyed the protection of the civil law. Licinius was a pagan, and this edict granted no privilege to the Christian that was not allowed to the heathen. It is evidence that Constantine's policy at first was to secure peace and justice in the religious world and thus win the support of all religious groups in his effort to become the sole political ruler of the world.

It seems certain that Constantine did have a mental dream of reconciling the interests of paganism and Christianity—pictured symbolically by the union of the solar disk and the cross—with himself representing both religious systems. While to pagans he was their Pontifex Maximus, the head of the official cult of the Invincible Sun, he was at the same time to Christians "the blessed Prince" and "the servant of God."

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In a letter addressed some years later to Alexander, bishop at Alexandria, and to Arius, the presbyter, Constantine said:

"My design then was, first, to bring the diverse judgments formed by all nations respecting the Deity to a condition, as it were, of settled uniformity; and, secondly, to restore to health the system of the world, then suffering under the malignant power of a grievous distemper. Keeping these objects in view, I sought to accomplish the one by the secret eye of thought, while the other I tried to rectify by the power of military authority. For I was aware that, if I should succeed in establishing, according to my hopes, a common harmony of sentiment among all the servants of God, the general course of affairs would also experience a change correspondent to the pious desires of them all."⁸

Eusebius says that after the victory of 312 Constantine made "the priests of God his counselors,"⁹ and that he appointed Christian ministers and deacons as custodians of his house. At the same time he employed many pagan advisers and assistants.

"Christian bishops," says C. B. Coleman, "were continually present at Constantine's court after 312. Hosius, bishop of Cordova in Spain, may have been with him in his campaign against Maxentius; he certainly accompanied him on an expedition later, and seems to have been very influential at court."¹⁰

It was between 313 and 315 that Hosius was employed to communicate the will of Constantine to Caecilian, bishop of Carthage, relative to the distribution of a grant of money. At the same time the churches were exempted by imperial order from the payment of certain taxes, a privilege doubtless long enjoyed by the pagan temple. He also exempted Christian clergymen from the payment of state taxes, and this occasioned such a rush on the part of persons to claim the status of clergymen that in 320 Constantine issued another law limiting entrance



Coins of the Roman Emperor Constantine

into the clergy to such men as he deemed desirable. A law of 321 was addressed by Constantine to Hosius, and this bishop promulgated it, to sanction the freedom of slaves emancipated in the presence of clergymen. These were privileges that doubtless had long been enjoyed by the pagan priests.

But it was not long after Constantine began to meddle politically with the affairs of Christianity that he discovered that Christendom was then divided into various sects and that there was a wide disagreement of opinion between many of them. Playing politics with religion meant that he must favor one group and discriminate against others. Thirteen of his epistles relative to church matters appear to have been written prior to 321. He was called upon to intervene in the church affairs in Africa, and correspond with Melchhiades, Bishop of Rome (311-314) about the Donatist schism. In 313 he convened a synod to deal with it, and Melchhiades himself presided over the meetings. The synod of Arles (314) and the council of Nicea (325) were convoked by the emperor to settle disagreements among the clergy. Constantine always espoused the cause of the most popular party on the grounds that the will of the majority should rule in religious concerns regardless of what the Holy Scriptures might say about the matter in dispute. Freedom of conscience and religious liberty in the sense that we enjoy them in America today were unknown to him.

Constantine's meddling in religious matters led him to adopt the policy clearly stated in his own words in an imperial letter he wrote to all churches to command the obedience of all Christians to the decision of the Council of Nicea (325) concerning the observance of Easter: "Whatever is determined in the holy assemblies of the bishops is to be regarded as indicative of the divine will."¹

And in another law he said: "It is necessary that the privileges which are bestowed for the cultivation

of religion should be given only to followers of the catholic faith. We desire that heretics and schismatics be not only kept from these privileges, but be subject to various fines."²

(In the next article we shall discuss the topic "Constantine's Sunday Legislation.")

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Is Atheism Barred Under Our Bill of Rights?

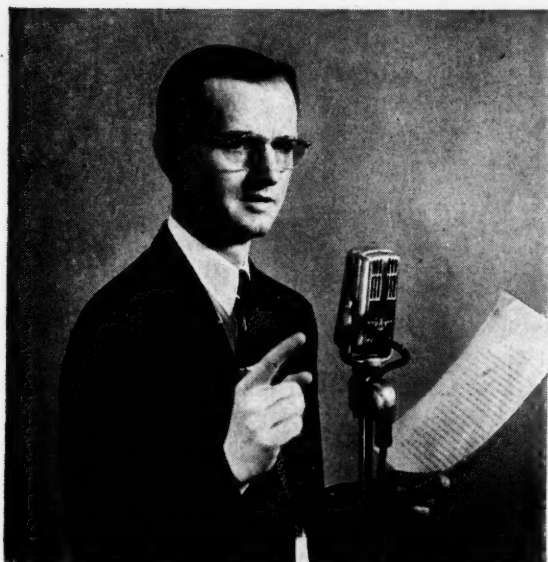
By C. S. LONGACRE

A CONTROVERSY HAS ARISEN recently in the United States over the right of an atheist to broadcast his views by radio. Station KQW, San Jose, California, consented to let a well-known atheist of that State use its facilities to broadcast his views on atheism. He gave his first broadcast on Sunday morning, November 17, 1946.

Immediately a strong protest was voiced by the California State Council of the Knights of Columbus. A State official of the Knights of Columbus, in the name of his organization, sent the following letter:

"GENTLEMEN: Last Sunday, November 17th, at 8:30 A.M., you permitted a broadcast that insulted every Christian and God-fearing listener, who has in the past, tuned in on your station. Such a policy on your part may not pass unnoticed, and certainly deserves the utmost in protest and repudiation.

"This is, thank God, a free country, enjoying freedom of the press, freedom of speech, and freedom of religion, among many other liberties. However at no time does the enjoyment of freedom, be it what it may, connote license. The press is free, but not to



Let Us Not Deny Others the Freedom We Desire for Ourselves

abuse, libel or slander. Speech is free but not to excite treason or rebellion. Religion is free and sacred to the individual, but not for the insult, hurt or harm of anyone and the negation of religion does not constitute any part of a freedom, any more than the negation of law creates justice.

"The Fool Hath said in his heart, 'There is no God,'" and through your weak acceptance of a questionable decision of the F. C. C., you have permitted just such a fool to denounce the close, valued and sincere beliefs of countless thousands of Christian people. People that on that very day, from dawn to dark, in humility, sincerity and honesty, either in the privacy of their room or in the church of their choice, worshipped and adored the Lord their God. To increase this inane folly you deleted from your program the broadcast of the Salt Lake Tabernacle Choir, singing the praises of the Omnipotent God, that your broadcast might give way to the braying of an ass.

"Are we who do believe in God to be thus grossly insulted by a fool, because of our beliefs, or do you care? That is just what you permitted.

"This country is a Christian country—its discovery, colonization and settlement dedicated to God. Our Declaration of Independence acknowledges that all our liberties and freedoms are inalienable rights given to every man by God and none other. Prayer to the Creator has marked every important step both in peace and war in the life of our Republic. All our great leaders, particularly our great Presidents have not failed to call on God for succor when we have been in danger and to give thanks to Him when we have prospered in peace. Need I remind you that our

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next great National Holiday is 'Thanksgiving Day.'

"The dissemination of atheistic propaganda is an opening wedge to the spread of Communism, the arch-enemy of all liberty, for without athiestism [sic] or the denial of God, ruthless and unscrupulous men could not hold millions of unhappy people in abject subjection; and more important dare not prevent the world from obtaining, as they do, a just and lasting peace.

"As the responsible head of the Order of the Knights of Columbus in all California, speaking in their name and joining with the countless thousands of men of good will, who believe in God, I state your selection of an atheistic [sic] program is thoroughly detestible and I most strongly protest against its continuance.

"[Signed] GERALD J. BRUSHER."

Another Knight of Columbus, who is also a State official, on November 26, 1946, wrote to the Federal Communications Commission Legal Department, 1000 McAllister st., San Francisco 2, California:

"GENTLEMEN: The late Franklin D. Roosevelt, who held the Presidency of the United States longer than any other of our illustrious presidents, through his wide experience in the fundamentals of our Government, was compelled to proclaim, 'You cannot have Democracy without religion,' and may I add to this, 'You cannot have religion without God.'

"Our belief in God is the foundation of our constitution as expressed in the Declaration of Independence. Is it not then bordering on treason against our Democracy to allow an avowed atheist to speak on that subject over your station? Are you not aiding and abetting the destruction of the fundamentals upon which our great nation was founded?

"Think it over.

"If it be true that freedom of speech does not include the right to cry out 'Fire' in a crowded theatre when there is no fire, surely, then, that same freedom does not carry with it the right to proclaim there is no God when there is a God.

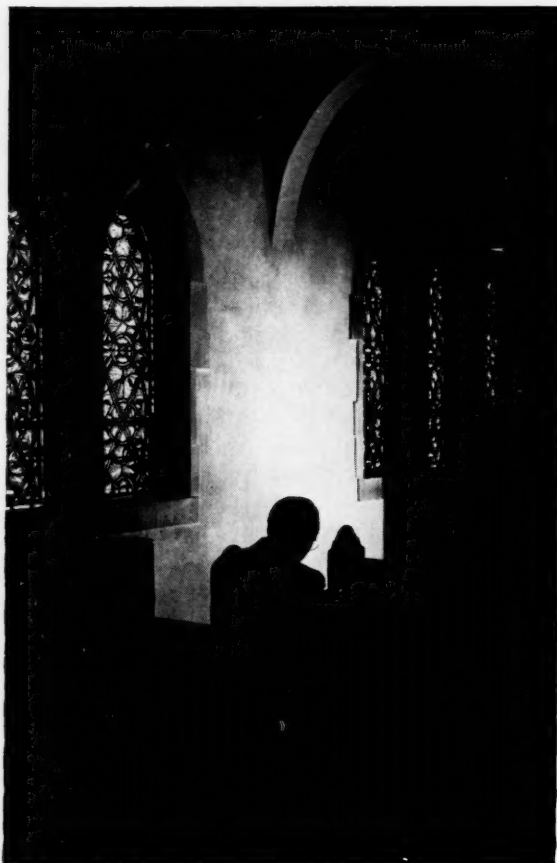
"Remember that a radio station has a grave responsibility through its vast direct contact with the home and youth of America who are to be our future citizens. Can you afford to prostitute such a serious responsibility?

"I am appealing to your reason and your presumed devotion to America and the principles for which we stand, and the crying need now to uphold those principles more than at any other time in our nation's history. The world never needed God so much as it does today. I'm sure, as good Americans, you are desirous of doing your part to help this country regain its equilibrium.

"[Signed] JOSEPH J. ROSBOROUGH."

It is reported that the Federal Communications Commission of San Francisco, which at first decided to grant this atheist the right to broadcast, has now cancelled the broadcasts. For what reason we do not know. If it was done on the basis of the above protests, a most dangerous precedent has been set.

We are not willing to take second place to any person or organization in our respect, reverence, and devotion to God, Christ, and our Christian institutions, and also we hold no brief for atheism and infidelity. We do not believe that atheism has a leg to stand on to support its claims and teachings. But does our Bill of Rights deny the infidel and the atheist the right to propagate his opinions? Do the free speech, free press, and freedom of religion guaranteed by our Constitution allow only those who hold and believe the truth the right to propagate it and deny the right to propagate to those who hold error? Is it the prerogative of the civil government to determine which religion is true and which is false? Our Bill of Rights contemplated no such limitations upon freedom of speech and the press as are set forth in the above letters.



H. L. PHILLIPS

The Bill of Rights Was Intended to Protect the Unbeliever as Well as the Believer in Religion

Voltaire, the French atheist, said to an opponent, "I hate and detest what you say, but I will defend, with my life if need be, your right to say it." Do atheists have more charity for the opinions of their opponents than do professed Christians? Christ said, "If any man hear My words, and believe not, I judge him not." Why should Christians have less charity and forbearance than Christ, the author of Christianity, or less tolerance for their opponents than atheists?

The Bill of Rights was intended to protect the unbeliever as well as the believer in religion and in God. As Thomas Jefferson, the author of the Declaration of Independence, said, "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man." The Constitution protects all men of every religious persuasion and of no religious belief. All men stand on an equality before the law irrespective of what their faith may be. The provision of free speech and a free press, the right to propagate one's opinions, whether true or false, was granted by the founders of the American Republic as a safety valve, not to one bloc of religionists, or one group of politicians, but to each individual. If the safety valve on the engine of our democracy is tied down with legal restrictions as it was in the countries of the dictators in the totalitarian governments, we are apt to have an explosion that will wreck the whole mechanism of democracy.

If we deny the right of free speech and a free press to those who disagree with us, our dissidents, if they grow numerous enough and strong enough, may turn the tables on us. Our freedom is secure only as the freedom of each and every man is made secure.

The framers of our Constitution never based its laws on religion. It is entirely neutral on that subject; they did not put the name of God, Christ, or the Christian religion into the Constitution, but purposely and designedly omitted them, not because of any hostility to the Christian religion, but because of their respect and faith in Christianity's inherent merits and its ability to stand alone without legal sanction and support. They knew that genuine religion prospers best under a complete divorcement from the civil government.

We agree with Roger Williams, who said, "Christ's lilies may flourish in His church, notwithstanding the abundance of weeds in the world permitted." Our Republic is modeled after the little republic that Roger Williams founded in Rhode Island, where he permitted "Jews, Turks, papists, Protestants, Pagans, Mohammedans, Infidels, Atheists, etc." to propagate and practice their beliefs. These ideals were adopted by the founders of the American Republic, and the fruitage of them has fully justified the experiment in our democracy.

LIBERTY, 1947

The New Jersey School-Bus Case

An Analysis of the Decision

[This analysis of the Supreme Court decision in the New Jersey school-bus case was furnished at our request by one who is qualified, legally, to do so. A pressure of other work prevented the author from giving the time to the preparation of a document that he felt should be given if it was to be considered exhaustively. Because he feels that this decision will be reviewed, he has purposely limited his discussion of it. We have left off his name at his own request.—EDITORS.]

THE DECISION OF the Supreme Court in the New Jersey case expressly holds that public tax funds may be used for the transportation of students to Catholic parochial schools.

1. The opinion compels the Court for the first time to define "the establishment of religion" as set forth in the First Amendment.

2. The opinion is unfortunate in that four of the nine Justices of the Court vigorously dissent from the majority opinion.

3. The opinion is attacked with vigor and devastation by the dissenting opinions.

4. The underlying constitutional principles are alike adopted by the majority and minority opinions.

5. The majority opinion, if strictly construed, would seem to call for its later repudiation by the Court or for the enactment of a new constitutional amendment.

The majority opinion by Mr. Justice Black states the case as follows:

"The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly, or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between Church and State.'—*Reynolds v. United States*."

The minority opinion accepts the correctness of the principle just stated, but reaches the conclusion that

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A. DEVANEY

A Busy Street in a New Jersey Town

the establishment of religion as used in the First Amendment compels the court to declare the New Jersey statute a breach of this Amendment, and therefore null and void.

The basic reasoning of Mr. Justice Black is stated as follows:

"Moreover, state-paid policemen, detailed to protect children going to and from church schools from the very real hazards of traffic, would serve much the same purpose and accomplish much the same result as state provisions intended to guarantee free transportation of a kind which the state deems to be best for the school children's welfare. And parents might refuse to risk their children to the serious danger of traffic accidents going to and from parochial schools, the approaches to which were not protected by policemen. Similarly, parents might be reluctant to permit their children to attend schools which the state had cut off from such general government services as ordinary police and fire protection, connections for sewage disposal, public highways and sidewalks."

The weakness of this line of reasoning is pointed out by Mr. Justice Jackson in his dissent:

"It seems to me that the basic fallacy in the Court's reasoning, which accounts for its failure to apply the principles it avows, is in ignoring the essentially religious test by which beneficiaries of this expenditure are selected. A policeman protects a Catholic, of course—but not because he is a Catholic; it is because he is a man and a member of our society. The fireman protects the Church school—not because it is a church school; it is because it is property, part of the assets of our society. Neither the fireman nor the policeman has to ask before he renders aid 'Is this man or

building identified with the Catholic Church.' But before these school authorities draw a check to reimburse for a student's fare they must ask just that question, and if the school is a Catholic one they may render aid because it is such, while if it is of any other faith or is run for profit, the help must be withheld."

Mr. Justice Rutledge also calls attention to the fallacy of this reasoning:

"Nor is the case comparable to one of furnishing fire or police protection, or access to public highways. These things are matters of common right, part of the general need for safety. Certainly the fire department must not stand idly by while the church burns. Nor is this reason why the state should pay the expense of transportation or other items of the cost of religious education."

Further analysis by Mr. Justice Rutledge raises the question:

"Does New Jersey's action furnish support for religion by use of the taxing power? Certainly it does, if the test remains undiluted as Jefferson and Madison made it, that money taken by taxation from one is not to be used or given to support another's religious training or belief, or indeed one's own. Today as then the furnishing of 'contributions of money for the propagation of opinions which he disbelieves' is the forbidden exaction; and the prohibition is absolute for whatever measure brings that consequence and whatever amount may be sought or given to that end."

The Court, in upholding the New Jersey statute, ignores the fact that parochial schools in fact represent a world-wide policy of the Roman Catholic Church, and Justice Jackson quotes from the Canon Law of the Church under the rubric "Catholic Schools."

"Catholic children are to be educated in schools where not only nothing contrary to Catholic faith and morals is taught, but rather in schools where religious and moral training occupy the first place.

"Catholic children shall not attend non-Catholic, indifferent, schools that are mixed, that is to say, schools open to Catholics and non-Catholics alike. The bishop of the diocese only has the right, in harmony with the instructions of the Holy See, to decide under what circumstances, and with what safeguards to prevent loss of faith, it may be tolerated that Catholic children go to such schools. (Canon 1374.)"

If the Proverbial Camel Can Only Get His Nose in His Master's Tent, It Will Not Be Long Before His Whole Body Is In. So It Will Be With the Statute in Question. State Aid, Ever So Small at First, Will Grow and Strike a Deadly Blow to Our American Democracy

The foregoing observations compelled the Justice to remark that "Catholic education is the rock on which the whole structure rests, and to render tax aid to its Church school is indistinguishable to me from rendering the same aid to the Church itself," and further that "if the state may aid these religious schools, it may therefore regulate them."

It is true that this decision apparently upholds similar legislation in sixteen States, and at the same time invites other States to enact similar laws. It must also be stated that the Catholic Church is not the only offender in this regard. Notorious cases exist where Protestant denominations are both demanding and receiving aid from tax money violative of the Constitution.

From a purely practical approach, it is apparent that, if the state may use public funds to pay the bus fare of children to parochial schools, it may logically pay other expenses of such schools. It is easy to see that such a doctrine might ultimately destroy the public school system, and would cause widespread demands for a division of school funds between public schools and religious schools. This becomes more evident when it is recalled that there are in the United States two hundred and fifty-eight (258) different religious denominations. Imagine, if you can, the scramble and confusion that would result if each of them had the legal right to dip into the public school funds in order to maintain its separate schools. The public school system as we have known it would be greatly impaired, if not completely destroyed. What an irreparable tragedy it would be to allow State enactments masquerading in the garments of police power or the general welfare clause to gradually whittle away our great constitutional safeguards. The statute in question is the thin edge of the wedge which, when driven all the way in, will split American democracy wide open.

The spirit which would make the state by its aid sponsor for any form of religion or worship whether Protestant or Catholic, strikes a deadly blow to the integrity of our democracy.



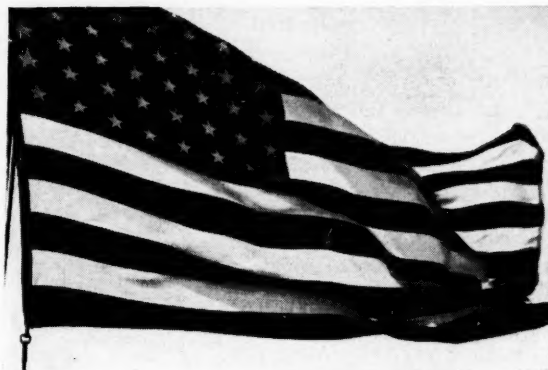
Our National Emblem

By S. M. HARLAN

IT WAS Independence Day. A warm July sun was spreading its brightness over the waiting throng that lined the city streets. Martial music could be heard in the distance. A parade was in the making. Soon the procession of emblems, bands, floats, and marching men reached us. There were flags of all nations, and flags of the States, but topping them all was Old Glory itself. Hats were doffed and figures were still and faces solemn as we paid homage to the symbol of our country. A band marched by with measured step. On the front line was a trombonist that I thought I recognized. Quickly turning to my wife, I remarked, "Why, that's our boy!" I could scarcely get out the words. Something stuck in my throat. My wife could only answer, "It surely is." We tried to analyze our feelings. Of course there was a bit of family pride, but there was more. There was that touch of loyalty that all Americans feel on such occasions. Perhaps we call it patriotism, that intangible something that gets right into one's soul as he watches a parade of this kind. When we gaze upon the flag of our country we see in it a symbol of a free and independent nation, an emblem of a people whose government is of its own making and which recognizes the inherent rights of man.

The story of our flag as we know it today begins somewhat in uncertainty, strange as that may seem.

The first official account that we know of is the record of the adoption by the Continental Congress on June 14, 1777, of the stars-and-stripes design. This was during the Revolutionary War. A number of flags of various kinds had been used before this, but here was an emblem to represent the united colonies as they joined the sisterhood of nations.



We like to think that it was Betsy Ross, a young woman of Philadelphia, who made the first flag. If she did she left no official written record of the fact. The story has come down through the years by word of mouth. It is said that Mr. Ross, her first husband, enlisted in Washington's army and was killed a few months before his wife worked on the flag. Washington himself seems to have left no record of the event in his official papers.

An elderly lady of my acquaintance once told of having looked through her father's diary. He was known to have kept quite a voluminous record of daily events. She was curious to know her father's comments on the day of her birth. She found the year, the month, the day. The fact that she was born was not even mentioned in his diary. So it seems to have been in the records of the nation. No mention is made of the birth of our flag. The first record, as we have already noticed, was that of the Congress, when it accepted the stars and stripes as our national emblem.

EDITORIALS

Current Attempts to Unite Church and State

IN THE FIRST MONTH of the Eightieth Congress, a number of bills which we believe violate the American principle of complete separation of church and state have been introduced in the Senate and the House. Some of these seem innocent, or innocuous,

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but they are dangerous. We shall risk the charge of being carpingly critical and of raising captious objections in pointing out their evils, because we are sure that Madison was right when he declared, "It is proper to take alarm at the first experiment on our liberties."

Precedent counts much in all governmental affairs, apparently, and we want to lift our voices early, against anything that is a departure from these funda-

mental things that the founders of the nation established as our protection against evils that had plagued the Old World and from which they sought deliverance. Precedent easily becomes set into fixed practice. Custom is apt to be given the authority of legal enactment by those who approve it.

S.J. Res. 2

S.J. Res. 2 provides that a commission of twelve members is to be established "to consider and select a suitable form and site for a national memorial, to be located in the District of Columbia, commemorating the contributions of members of the various religious faiths to American military and naval history, particularly during World War II."

Maybe this bill could not be construed as "an establishment of religion," but it does seem to attempt to exalt religious soldiers and sailors above the equally brave, equally self-sacrificing, equally patriotic non-religious servicemen. Whether a citizen is religious or not is none of the government's business. All any government has a right to ask of any citizen is that he discharge his civic obligations without interfering with the equal rights of his fellow citizens.

This bill is discriminatory. It is dangerous because it proposes to expend the taxes of all the people to elevate and praise a special class. If this group is to be especially honored in the District of Columbia, why not in the various States? We might have many monuments. Religious folks are not always humble or unpretentious.

H.J. Res. 20

H.J. Res. 20 provides for designating "the period from Thanksgiving Day to Christmas of each year . . . for Nation-wide Bible reading, in order that 'in God we trust' as an expression of our national life may hold new and vital meaning for all our citizens."

We agree that Bible reading is needed. We believe that there is a woeful ignorance of the Bible among our citizens generally. We have confidence that if all would read the Bible carefully and faithfully the nation would be helped. But we would like to ask a few questions. First, are the benefits to be received from Bible reading only to be found between Thanksgiving and Christmas? Second, if the purpose of Bible reading is to "effectively repair the moral character and spiritual ideals which form the necessary foundation for an enduring democracy," is it to be expected that about a month's reading of the Bible is enough to carry people through the whole year? Third, which version of the Bible are the legislators recommending—the Old Testament, which is accepted as authoritative by the Jews, one of the Catholic versions, or one of the Protestant versions?

We will be told that both the Old Testament and

the New Testament are good and that our legislators are content to have each citizen decide for himself what portion he will read and how much on each day of the specified period. Many members of Congress are doubtless devout Bible readers. According to Capital newspapers, some conduct Bible classes in the churches of their choice every Sunday. Others, on occasion, speak at the hours set for preaching services or to special church groups. These activities are praiseworthy. No one would oppose them. It is quite a different matter when the Congress, as the legislative branch of our Federal Government, speaks on purely religious matters. The individual member of Congress, acting solely as an individual, can do with perfect propriety what Congress as a whole can not do.

H.J. Res. 36

This is the Capper measure to stamp on our mail the words *Observe Sunday*. This particular bill we treat more fully in another place.

H.J. Res. 58

H. J. 58 provides "that the American delegations to the United Nations and all peace conferences shall be supported by a group of advisers representing the principal religions of the people of the United States."

Who is to decide which are the principal religions? Who is to decide whether Presbyterians shall be taken and Jehovah's Witnesses left? Who will declare that the Episcopal religion is a principal one and the Assemblies of God is not? We think this measure might bring about a controversy that would shake things.

S. 199

S. 199 is a bill "to authorize the appropriation of funds to assist the States in more nearly equalizing educational opportunities," etc. The bill authorizes an appropriation for the fiscal year ending June 30, 1948, of \$400,000,000; for the fiscal year ending June 30, 1949, of \$600,000,000; for the fiscal year ending June 30, 1950, of \$800,000,000; for the fiscal year ending June 30, 1951, of \$1,000,000,000, and for the fiscal year ending June 30, 1952, and each fiscal year thereafter, of \$1,200,000,000.

Title II of the bill provides that "nonpublic tax-exempt schools and school systems of secondary grade or less" may be reimbursed "for not to exceed 60 per centum of their actual expenses incurred in providing (a) necessary transportation of pupils, (b) school health examinations and related school health services, and (c) purchase of nonreligious instructional supplies and equipment, including books." Further provisions of the bill, however, apparently limit the amount that can be expended on nonpublic schools to the sum of \$60,000,000 annually.

There is also this provision "that if in any State the State educational authority is not permitted by law to disburse the funds paid to it under this title to nonpublic tax-exempt schools in the State, the Secretary [of the United States Treasury] shall withhold the funds apportioned to any such State, said funds to be disbursed by the Secretary directly to such nonpublic tax-exempt schools and school systems of secondary grade or less as have been certified by the Commissioner to be entitled to receive the same in such States."

This bill, if passed, would be only the beginning of the providing of public funds for church-operated schools. All such appropriations should be opposed, whether given to Protestant, Catholic, or Jewish schools.

H.R. 156

While different in a number of respects from S. 199, this bill, H.R. 156, provides for help to be given to "non-profit education agencies within the State, for all types of current expenditures (excluding interest, debt service, capital outlay, and salaries of teachers in nonpublic schools) for elementary school and secondary school education." It also provides that "if a State is not permitted by law to disburse funds . . . to non-profit educational agencies operating schools which children may attend in compliance with the State's compulsory education laws, the United States Commissioner of Education" may disburse the funds directly to the nonpublic school within the said State.

Many people feel that any Federal aid to schools may be dangerous. They think that the schools should be controlled by officials of the county or State in which they are located rather than to receive direction from Washington. Such folk hold to the view that those who furnish the funds will eventually direct the policy. Our conviction on this matter has not been too well defined, but we hold that a law which disregards the sovereign will of the people of a commonwealth in a matter involving the violation of the principle of separation of church and state is dangerous and should be defeated.

S. 472

While S. 472 seems to be unsatisfactory, because it is not broad enough, to those who are seeking Federal aid for sectarian schools, it has this provision: "In any State in which funds derived from State or local revenues are disbursed to nonpublic educational institutions for expenditure for any of the purposes for which funds paid to such State under this Act may be expended, funds so paid to such State may be disbursed to and expended by such institutions" for the bill's defined purposes. It appears to us that this is a beginning in the matter of giving

public funds to aid nonpublic schools, and the bill should not be passed.

H.R. 263

This is a measure to amend the Criminal Code "to declare certain papers, pamphlets, books, pictures, and writings nonmailable," and "to provide a penalty for mailing same." This bill provides a fine of \$5,000, or an imprisonment for not more than five years, or both fine and imprisonment, for sending through the mails or taking from the mails and circulating any of the things named above which contain any defamatory and false statements which identify or characterize anyone by his race or religion, if in doing so they might cause such a person to be subject to hatred, contempt, ridicule, or obloquy. Of course, as we remarked when an identical bill was before Congress at another session, everyone should have the benefit of protection from defamation, slander, and libel. But the laws now on our statute books covering such matters are sufficient.

It is dangerous to give the Postmaster General the power to withdraw from the mails, under regulations which he shall prescribe, anything that he concludes may fall under the designations of this bill. Well-authenticated histories could be classified nonmailable under the terms it lays down. Protestants have persecuted Catholics, Catholics have persecuted Protestants, and both have persecuted Jews, and none of them like to have their past histories mentioned. To refer to well-established facts could bring a person into court for attempting to "expose" somebody to "hatred" or "obloquy" if this bill should become law. Some people's feelings are very sensitive. Just to have the facts of history circulated would cause them to demand that whatever "papers, pamphlets, books, pictures and writings" contained these facts be withdrawn from the mails. The bill is a dangerous one. It is a direct thrust at freedom of the press. It is an attempt to do by indirection what, thank God, cannot be done directly under the provisions of our Constitution. It is an effort to give a power to an appointed Government official that is denied to the Congress. Its introduction should alarm our citizens and bring forth a protest that our legislators cannot misunderstand.

H. H. V.

Is the Parochial School a Public School?

A VERY FRIENDLY ANALYSIS of the parallel lines along which public and parochial schools operate, which appeared in the *Catholic America* of November 9, 1946, did not take another step so often taken by Catholic speakers and editors: that, because the lines of service performed by these two kinds of schools are parallel, the parochial school is actually a public school.

The logic here is faulty, because the premise upon which it is based is faulty. The very fact that the two kinds of schools stand parallel points out the difference between them. The simple fact is that the parochial school is a private school, and cannot be anything else as long as it remains a parochial school. It is maintained to advance the interests of the church which built it. It is designed to hold the pupil's interest in, and loyalty to, that church. It propagates the peculiar tenets of faith held by that church. Its overall effect is to advertise the character and work of that church. The service the parochial school renders is a private one, because it is tied by primary intent and actual practice to the objectives of the church which operates it. The fact that pupils of other faiths or of no faith are accepted in a parochial school does not make it any less a private institution.

All this might matter little were it not that a yet further step is taken by some churchmen concerned for the parochial school. This further step is taken by our Catholic friends, and also by some Protestants here and elsewhere in the world. That step is: assuming that the parochial school is a public institution, it should therefore receive financial support from public funds. Up to this point, the question might be considered merely an academic one, but when this further step is taken it becomes a serious question. Caesar is requested to put his hand on the ark of activities performed in the name of God. This has never been done with any promise of good. Public institutions are to be supported from public funds for the accomplishment of their proper ends. Private institutions are to be clearly recognized as such for the accomplishment of the private ends of those concerned with them. This is especially important in the case of religious institutions. Let the affairs of Caesar and the affairs of God be kept distinct.

F. H. Y.

An Alternative to Religious Instruction in Public Schools

PRESSURE IS HEAVY today for religious instruction in public schools. The conditions which give rise to this are patent: an appalling lack of knowledge of religion, let alone spiritual experience, on the part of children and youth, and of common morality for which religion can be an efficient vehicle. But government schools are not the place for religious instruction, whether there be among a people uniformity of belief or a thousand diverse faiths.

What is the alternative? We suggest:

1. Let each denomination that recognizes the problem and desires an effective cure maintain its own schools, where it can inculcate freely its religious ideas. In this country Catholics, Friends, Lutherans,

Episcopalians, Seventh-day Adventists, and others have done this, and there has been some very satisfactory meeting of objectives.

2. Let the church take more seriously its inculcation of religious and moral instruction from the pulpit, in the Sunday church school, and through catechetical classes.

3. Let religious and moral instruction be fostered in the home. If parents are proving incapable of this, let the church do its proper work with the parents.

We know that objections are offered to each and all of these plans. It is argued that the churches will teach dogma, and that that is undesirable. Insofar as such teaching is an expression of genuine conviction, we do not believe it to be undesirable. When has society ever been injured by the peaceful inculcation of convictions to voluntary hearers?

It is protested that no plan of the churches can reach enough of the children and youth to be effective, because there are so many unchurched parents. Whose is the fault here? When has a church, strong in its convictions, efficient in its methods, impartial in its respect of races and persons, with an evangel freshened to the need of the times, ever failed to command the respect and discipleship of growing audiences?

In its plea for extraneous help in this matter of religious education is there an admission by the church of its own failure? Should it then look to the state? Should it not rather look within in self analysis, and above in faith? Let church and state each do its appointed work. A church that leans upon the state is risking a decline in strength and spirituality.

F. H. Y.

Distribution of Scriptures to Public School Children

FROM IOWA comes a report that Rabbi Abram Vossen Goodman, of Temple Emanuel in Davenport, protested the distribution of the New Testament, the Psalms, and the Proverbs to the children of the elementary and junior high schools. He is reported to have said, "The distribution of sectarian literature violates the historic separation between church and state. Although acceptance of the material distributed by the Gideons is on a voluntary basis, the procedure offers a precedent for the dissemination of literature by other groups. . . . Non-Protestant children who did not take copies of the New Testament were embarrassed."

Probably the Rabbi would not have objected if only the Psalms and Proverbs had been given out. But to Jews the New Testament is a sectarian book.

The question of giving out Scriptures and Scripture portions to public school children has been raised

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in some other parts of the United States, and it has been decided in different ways by different school boards.

It is important for children to be taught the highest principles of morality, and we believe that nowhere else in the world can such principles be found stated so clearly as in the Scriptures. But everyone who has thought the matter through carefully has to recognize that the Scriptures are religious books.

The case of *The Board of Education of the City of Cincinnati v. John D. Minor, et al.*, was decided some years ago, but the court's opinion contains truths which cannot be too often repeated or stressed too much:

"Legal Christianity is a solecism, a contradiction of terms. When Christianity asks the aid of government beyond mere *impartial protection*, it denies itself. . . . No government is at all adapted for producing, perfecting, or propagating a good religion."

The justice who rendered the opinion went further and said:

"If it be true that our law enjoins the teaching of the Christian religion in the schools, surely, then, all its teachers should be Christians. Were I such a teacher, while I should instruct the pupils that the Christian religion was true and all other religions false, I should tell them that the law itself was an *unchristian* law. One of my first lessons to the pupils would show it to be unchristian. That lesson would be: 'Whatsoever ye would that men should do to you, do ye even so to them; for this is the *law* and the prophets.' I could not look the veriest infidel or heathen in the face, and say that such a law was just, or that it was a fair specimen of Christian republicanism. I should have to tell him that it was an outgrowth of false Christianity, and not one of the 'lights' which Christians are commanded to shed upon an unbelieving world. I should feel bound to acknowledge to him, moreover, that it violates the spirit of our constitutional guaranties, and is a state religion in embryo; that if we have no right to tax him to support 'worship,' we have no right to tax him to support religious instructions; that to tax a man to put down his own religion is of the very essence of tyranny; that however small the tax, it is a first step in the direction of an 'establishment of religion'; and I should add, that the first step in that direction is the fatal step, because it logically involves the last step."

The Bible speaks of the little foxes spoiling the vines, and it is the little departures from basic principles that open the way to great dangers. Bible teaching belongs to the home and the church, and no recognition of its need or its worth can change that fact.

H. H. V.

State Aid for Private Schools in Holland

IT HAS BEEN the contention of LIBERTY that the use of public school busses for transporting parochial school children is not alone bad in itself and contrary to the American conception of complete separation of church and state but that it is considered by those urging it as a first step toward further demands for the appropriation of tax funds for sectarian purposes.

The *Commonweal*, often referred to as a liberal Catholic journal, has an article in its issue of December 27, 1946, by one of its editors which confirms our belief and strengthens our fears. We quote at some length:

"The *Commonweal* has noted that other countries have worked out this school issue differently, and perhaps better than we have, and just recently we have come upon an excellent description of the Netherlands situation which at this time seems worth retailing in summary words.

"After long historical contest, Holland, in 1917, by constitutional amendment, recognized the principle of absolute equality between 'public' and 'separate' schools at the primary level, and virtual equality for high schools. When the war came, the business was governed by the Education Act of 1920. On the state side, there are public kindergartens, primary and secondary schools, and the state universities; 'separated,' there are kindergartens, primary, and secondary schools established and run by religious communities and by some non-religious agencies, and there are a separate Catholic commercial college, and a Calvinist and a Catholic University.

"In 1939, there were 2,806 public, state primary schools in Holland, and 5,006 separate primary schools. After the equality principle was established, the trend was away from state schools toward separate ones. As recently as between 1930 and 1938, for example, the number of pupils in the public grammar schools declined from 473,524 to 397,235, while those in the separate grammar schools rose from 770,188 to 845,543.

"The central government in the Netherlands pays teachers' salaries and the cost of equipment, while the local commune pays for the buildings. The parents must take the initiative for separate schools. Any group who guarantee a certain number of pupils may establish a school. They must deposit a sum of money with the council of the commune, which remains the property of the group and earns them interest so long as the school meets the standards of the law. If the school fails in this, the money is forfeited. State inspectors visit the separate schools in the same way as the public schools. This same system applies to

secondary education, except that the central government furnishes separate schools only 80 per cent of the cost of salaries and equipment, while the high school (there are actually three kinds of secondary schools) must find the other 20 per cent on its own responsibility. On the secondary level, there has also been a discernible trend toward separate schools, but not so marked as in primary education."

The condition in Holland the *Commonweal* approves. Would it stretch our credulity to believe it would like to see a similar system established in the United States?

We fervently pray it may never be.

There has been seen in America equal opportunity for all branches of religion and special favors for none. As a result there has been no attempted use of civil power to enforce religious dogma and no successful demand for the funds of all the people for the benefit of the church of part of the people.

H. H. V.

The Rights of the Common Man

THE CATHOLIC *America* for December 7, 1946, contains a kindly tribute to Lincoln's "Gettysburg Address." It points out that in its appeal to a regeneration of spirit, and its challenge to consecration and devotion, it is almost liturgical in its presentation of Biblical ideas.

Of course the address is an appeal to devotion to duty, to principle; we thrill at that. But it is also a plea, equally Biblical, for the recognition and protection of the rights of the common man. The enslavement of men's bodies is no worse, perhaps not as bad, as the awful intolerance which through the ages has enslaved men's minds and spirits. May the underlying theme of the great address, the right of the common man, be continually applied in our everyday human relationships, social, political, and religious.

F. H. Y.

Senator Capper and the Lord's Day Alliance

SENATOR CAPPER is up to his old tricks again. He is once more being the voice in the Senate of the Lord's Day Alliance: He is mouthing anew the outworn, disproved arguments of that organization that the Constitution has made Sunday the weekly rest day of the nation and the Supreme Court has chosen Christianity as the official religion of the United States.

If the Senator has forgotten, we would like to call his attention to some portions of the Constitution that bear on the case.

The First Amendment to the Constitution says, "Congress shall make no law respecting an establish-

ment of religion." Perhaps appropriating \$50,000 to prepare dies with the words *Observe Sunday* on them and directing the postmasters to have the mail posted in their offices stamped with these words would not be, technically, an establishment of religion, but it would be a definite discrimination by the Government in favor of a religious dogma held by part of our people, to be paid for by the taxes of all the people.

It ought not to be hard for the Senator to see this. But we have no hope of helping the secretary of the Lord's Day Alliance to see it.

We have said Senator Capper is only a cat's-paw for the Lord's Day Alliance. Here is the proof. Some time after the Senator introduced an identical bill, on March 12, 1945, an editorial in the *Lord's Day Leader* said, "If Christian ministers and members of our churches are alert and active, the effort of this Alliance and the earnest cooperation of Senator Capper, we are confident, will not be in vain." The editorial goes on to say that some letters had been received in opposition to the bill, adding, "These letters are in our possession."

This is not all. On January 30, 1946, Mr. E. D. Dick, the secretary of the General Conference of Seventh-day Adventists, a native of Kansas, wrote to Senator Capper, protesting against the bill. On February 6, the secretary of the Lord's Day Alliance answered that letter. Mr. Dick wrote to Senator Capper on February 8, and received a reply dated February 13. Our readers will be interested in this:

"This will acknowledge receipt of your letter of February 8.

"The Lord's Day Alliance, of which Dr. Harry L. Bowlby is the Executive Director, is the moving spirit behind my S.J. Res. 46. I presume you arrived at this conclusion yourself, which should make it unnecessary for me to explain why your communication, objecting to the proposal, was sent to Dr. Bowlby. However, in order to keep my record with you straight, I am sending you this note."

Everything about this bill is wrong, from its arguments to its sponsors, and should be opposed by everyone who believes in separation of church and state.

H. H. V.

The Estrada Incident

THE *Estrada* INCIDENT, as it is gradually becoming known, is attracting a great deal of attention among men interested in liberty. *Estrada* was a youthful paper (it ran seven issues from birth to death) published in Buenos Aires, with the support of a rather youthful group of Argentinean intelligentsia. Its purpose appears to have been entirely political: to urge and encourage democracy. And the word *democracy* seems to have been used in its

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columns in the good old-fashioned meaning, without any unique shadings in definition. Its editors and contributors were politically minded but very genuine Catholics.

Editorially, and in its contributed matter, *Estrada* stood for the things that the existence of Peronism was making difficult. It opposed the things through which Peronism was building its power: anti-Semitism, isolationism, warfare as a "biological necessity," and anticonstitutionalism, to mention only a few for illustration.

Estrada began publication as a weekly in January of 1946. It had already published five issues by the time Senor Peron had been elected president of Argentina. Its seventh issue was hardly in the hands of its subscribers, who by that time, be it marked, were numbering 30,000 of a very acceptable stratum of the Argentine citizenry, when the cardinal archbishop Copello, whose see is based in Buenos Aires, took drastic action against it.

"By order of His Eminence I communicate the following: The reading of the periodical *Estrada* is prohibited; those who read it are guilty of sin, a sin which is reserved in this Archdiocese.

"[Signed] MARIANO NUNEZ MENDOZA,
"Secretary of the Chancery."

Estrada gave notice forthwith that it was ceasing publication.

In Catholic understanding a reserved sin is one so serious as to be classified as mortal. The granting of absolution for it is reserved to the authority of the archbishop, or of the pope himself. But the sin of *Estrada* was not set forth, nor has it been; no charges of heresy have been made; indeed, no explanation of the action of the archbishop has been extended.

There remains the privilege of guess. That there is no heresy involved may be justly assumed. Since no sin is defined, it must reside only in disobedience to the *non legatur* of Cardinal Copello. There is left only one rational explanation, concerning which most commentators agree: the cardinal has yielded to, or anticipated, threats by the Peronist regime of reprisals upon the Catholic hierarchy in Argentina, should *Estrada* continue to propagate its principles, so contrary to Peronism. This is a most unfortunate denouement. A facet of political liberty has been broken. The freedom of the press has again been successfully challenged. But LIBERTY is concerned because the *Estrada* affair reveals a church again yielding to political pressure from expediency.

If there is any institution which should stand staunchly for freedom, it is the church. Christianity professes a Lord who said, "Ye shall know the truth, and the truth shall make you free." "If the Son therefore shall make you free, ye shall be free

indeed." How can a church dispense liberty-nourishing truth, how can it serve a freedom-granting Lord, if it sacrifices principle to be in harmony with changing environments? Must we write over the church's portal, "Ichabod"? Must we admit that organized religion is turning its back upon the liberty its Master advocated? Must we be content when a church refuses to make for the cause of freedom the sacrifice its Lord exemplified? When a church by word, deed, or implication calls oppression liberty, when it accepts enslavement in the place of freedom, then it has failed indeed.

F. H. Y.

Confused Thinking on the Separation of Church and State

AN ARTICLE by John Courtney Murray, S.J., in the *Catholic America* of December 7, 1946, under caption "Separation of Church and State" shows confusion in respect to this vital subject. In this article Dr. Murray makes free to attribute confusion to his Protestant contemporaries, but his own ideas are confusion worse confounded.

His main thesis is that the First Amendment to the Constitution of the United States, which lies at the basis of the American contention for the separation of church and state, is quoted by many as if it has an almost mystical meaning, which is pressed by adherents of the separation dogma with religious fervor. Dr. Murray contends that the First Amendment enunciates only a political principle: that there shall be by the state no compulsion of conscience.

We agree that the First Amendment is political only. It is not religious. The Amendment would, of course, be contradictory of itself if it were. But there is confusion in the failure to point out that all religious compulsion of conscience has in history been exerted through political means. This the First Amendment prevents.

Dr. Murray does not let it appear that he is mindful that there is an authoritative religious corollary of the political principle of the First Amendment: that there may be no compulsion by religion of an individual's conscience. This principle is suggested in the constitutional provision that there shall be no religious test for the holding of Federal office, but it is set forth plainly in Scripture, in words attributed to Jesus Himself. We read in St. Luke's Gospel, chapter nine, verses 49 to 56:

"John answered and said, Master, we saw one casting out devils in Thy name; and we forbid him, because he followeth not with us. And Jesus said unto him, Forbid him not: for he that is not against us is for us. And it came to pass, when the time was come that he should be received up, He stedfastly set His face to go to Jerusalem, and sent messengers

before His face: and they went, and entered into a village of the Samaritans, to make ready for Him. And they did not receive Him, because His face was as though He would go to Jerusalem. And when His disciples, James and John saw this, they said, Lord, wilt Thou that we command fire to come down from heaven, and consume them, even as Elias did? But He turned, and rebuked them, and said, Ye know not what manner of spirit ye are of. For the Son of Man is not come to destroy men's lives, but to save them."

Would that Christians had always manifested the repugnance of Jesus toward compulsion of conscience. The essence of religious freedom is written large and plain in Scripture. It shows man's right to choose to be wrong, to be diverse in faith and worship, to disseminate diverse religious ideas in diverse ways. In the words of Jesus, recognized by Christians as authoritative, there is no room for the budding intolerance of an Augustine, nor for the long line of indefensible persecutors who were the intolerant magnifiers of his philosophy, whom both the Eastern and Western branches of the medieval church fostered. The brutal and lethal intolerance of both episcopal and papal inquisitions in the West, working through subservient civil officials, were in sickening contrast to the gracious example of the Lord of the Christians. Protestants, especially of the Reformation Era, were willing too often to follow in respect to intolerance the example of the Catholic system against which they were protesting. The path which led them into their errors was parallel to the Catholic: the path of union with the political arm.

Dr. Murray makes these persecutions by Catholics and Protestants a fruitage of the concept that unity in society, considered so essential, could be maintained only with a corresponding unity in religion. He remarks that this concept "was finally buried, unwept, in American soil." It is a good thing then, Dr. Murray admits, that there is separation of church and state in the United States, because there are here "a dozen major faiths, as well as hundreds of smaller sects." The only thing the government can do in such a situation is to exercise the political principle of the First Amendment. Dr. Murray does not actually recognize here a basic, living principle, but merely an expedient to meet a condition.

The confusion we see in this article does not exist, we believe, in the writer's thinking. It is the result of his omissions, of not telling us *all* he is thinking. If, as a faithful and consistent and well-informed Catholic, he did so, he would have to point out that were Catholics in any large majority in this country, the political expedient (for so he must deem it) of the First Amendment would have to yield, and one church, the Catholic would have to be

favored above every other faith. Compulsion of conscience could easily follow. History emphasizes the probability.

This is the reason why Catholics are so annoyed in the presence of the *principle* of the separation of church and state. When their spokesmen are less than frank, they speak of it as the "American principle," which works *here, now*. When they are frank, they tell us that when the religious balance is changed, and Catholics are in the majority, the separation now maintained will cease.

Many authoritative Catholic utterances could be quoted appropriately at this point. We believe the following from Ryan and Boland, *Catholic Principles of Politics*, will suffice:

"All that is essentially comprised in the union of Church and State can be thus formulated: The State should officially recognize the Catholic religion as the religion of the commonwealth; accordingly it should invite the blessing and the ceremonial participation of the Church for certain important public functions, as the opening of legislative sessions, the erection of public buildings, etc., and delegate its officials to attend certain of the more important festival celebrations of the Church; it should recognize and sanction the laws of the Church; and it should protect the rights of the Church, and the religious as well as the other rights of the Church's members.

"Does State recognition of the Catholic religion necessarily imply that no other religion should be tolerated? Much depends upon circumstances and much depends upon what it meant by toleration. Neither unbaptized persons nor those born into a non-Catholic sect, should ever be coerced into the Catholic Church. This would be fundamentally irrational, for belief depends upon the will and the will is not subject to physical compulsion. Should such persons be permitted to practice their own form of worship? If these are carried on within the family, or in such an inconspicuous manner as to be an occasion neither of scandal nor of perversion to the faithful, they may properly be tolerated by the State. At least, this is the approved Catholic doctrine concerning the religious rites of the non-baptized. Only those religious practices of unbelievers which are contrary to the natural law, such as idolatry, human sacrifice, and debauchery, should be repressed. (Cf. Suarez, *De Fide*, disp. xviii, sec. 4, Nos. 9, 10.) The best indication of the Church's attitude on this question is the toleration and protection accorded all through the Middle Ages to Judaism and Jewish worship by the Popes in their capacity of civil rulers of the Papal States. The same principle regarding freedom of worship seems fairly applicable to baptized persons who were born into a non-Catholic sect. For their participation in false worship does not neces-

sarily imply a wilful affront to the true Church nor a menace to public order or social welfare. In a Catholic State which protects and favors the Catholic religion and whose citizens are in great majority adherents of the true faith, the religious performances of an insignificant and ostracized sect will constitute neither a scandal nor an occasion of perversion to Catholics. Hence there exists no sufficient reason to justify the State in restricting the liberty of individuals. . . .

"Superficial champions of religious liberty will promptly and indignantly denounce the foregoing propositions as the essence of intolerance. They are intolerant, but not therefore unreasonable. Error has not the same rights as truth. Since the profession and practice of error are contrary to human welfare, how can error have rights? How can the voluntary toleration of error be justified? As we have already pointed out, the men who defend the principle of toleration for all varieties of religious opinion, assume either that all religions are equally true or that the true cannot be distinguished from the false. On no other ground is it logically possible to accept the theory of indiscriminate and universal toleration."—Pages 316-318.

We can readily see why Dr. Murray's lack of frankness in failing to take us all the way into the Catholic justification of a union of church and state leaves his incomplete treatment confused.

F. H. Y.

Do We Know Our Rights?

ACCORDING TO PRESS REPORTS a University of Denver poll conducted among adults of various ages—of different income groups and from different parts of the United States—revealed a striking lack of knowledge about the Bill of Rights. Of those questioned, 31 per cent said they had never heard of it, or were not sure that they had; 36 per cent knew something but had no satisfactory idea about it; 12 per cent were definitely confused or gave entirely incorrect identification, while 21 per cent had a fair idea of what the Bill of Rights is.

If this survey gives an accurate picture of the knowledge that citizens as a whole have of the Bill of Rights, the situation is indeed deplorable.

At the end of last year many places celebrated the anniversary of the adoption of the first ten amendments to the Constitution, which are known as the Bill of Rights. Probably there ought to be a general educational campaign to help our citizens at large to appreciate the guarantees of freedom which are contained in these amendments.

The original Constitution was planned as a charter of liberty, but many of the citizens of the infant nation felt that it left too much to inference and failed

to specify in clear-cut terms some things that should be so defined. It is doubtful whether the Constitution would have been accepted by enough of the States to make it effective if there had not been promises made by some of the leaders of the nation that in the first session of Congress amendments would be proposed that would take care of the objections that had been voiced. These amendments rounded out the original document and made the complete instrument a pattern for many nations to follow. Gladstone paid it this high praise:

"The American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man. It has had a century of trial, under the pressure of exigencies caused by an expansion unexampled in point of rapidity and range: and its exemption from formal change, though not entire, has certainly proved the sagacity of the constructors, and the stubborn strength of the fabric."

All the liberties which Americans enjoy have their roots in the Constitution. This charter does not attempt to enumerate every specific evidence of our freedom, but it deals broadly with basic liberty. It covers the relationship of man with his fellows in the involved life of organized society—the state. The laws passed by Congress are tested by it. Any citizen whose basic freedom is circumscribed by restrictive laws enacted by state or nation may appeal for relief to the United States Supreme Court. That Court turns to the Constitution as the final authority for its judgments. Its justices reach their decisions not through prejudice or predilection but by direction of the Constitution. Americans should know and love this great charter.

A prophet of ancient Israel once wrote: "My people are destroyed for lack of knowledge." There is danger that destruction will come to us through the ignorance of our citizenry. If we do not know our Constitution, we cannot love it or have any zeal to protect it.

H. H. V.

Patriotism, or Patronage?

BECAUSE THOSE WHO are agitating for government aid to sectarian institutions—particularly church-owned and -operated day schools—miss no opportunity to press their demands, it is necessary for those who oppose such subsidies to repeatedly restate the reasons for the opposition. Belonging to the latter class we have no intention of being either talked down or browbeaten. We absolutely refuse to abandon a principle because it brings us abuse. We have long believed that the use of either vituperation or innuendo is a proof of lack of sound argument.

Our Sunday Visitor, a Catholic Action weekly, of February 2, 1947, in commenting on an address by

Archbishop Cushing at the Association of American Colleges in Boston in January, 1947, says:

"He pointed out the insincerity of those who today are so alert against all efforts to bring religion to the child, even through released time—always on the ground that it would violate the American principle of separation of Church and State. He noted that slogan is only a mask behind which the atheist, the free-thinker, the Communist, the producer and seller of erotic books and magazines and of other filthy things, hide. . . . It is time to correct the misinterpretation of the shibboleth of separation of Church and State, which certainly never meant that religion should be separated from the life of a citizen."

We would like someone to point out how refusing to give public funds to church groups to teach the peculiar tenets of their creeds is separating religion from the life of a citizen.

Separation of church and state is more than a shibboleth. It is fundamental if our nation is to be spared the religious controversy, bitterness, and persecution that has disgraced so much that has been called Christianity in so many places and in so many centuries.

America, a Jesuit weekly, is a little more dignified, but hardly less sarcastic, and goes even further than *Our Sunday Visitor* by striking at the patriotism of opposers of Federal aid for sectarian schools. In that journal, May 5, 1945, we find this: "If we are upholding a really democratic system—and not just a blatantly secularist one—then Federal monies which come from all of the people by way of taxes should be used for the benefit of all the people. And so if Federal aid is to be given to education, it is *wrong in principle* to allocate it to public education alone." Notice: If one does not believe in giving public funds to Catholic parochial schools, he is not "upholding a really democratic system."

Again, this time from *America* of October 6, 1945: "The real snare for our American liberties is the hidden hand of those who oppose Government help for non-public schools."

What *America* wants is not separation of church and state but a financial alliance. There is no "hidden" hand in *LIBERTY*'s opposition to this un-American thing. And there will be no retrenchment in our efforts. Speaking against a bill to aid public education which was before the Seventy-ninth Congress, *America*, November 23, 1946, said: "It puts a price on the exercise of religious liberty, because it is drawn up on an utterly baseless interpretation of the principle of separation of Church and State."

Evidently the editors of *America* believe that if they assert a thing often enough, people will believe it. We have more faith than that in the folk who know the lessons of history.

Even the *Commonweal*, December 27, 1946, says this: "The school problem is something of a test issue to determine if non-Catholics and secularists are genuinely willing to tolerate Catholics and let them go along without a disadvantage. Much of the 'tolerance' righteously offered Catholics by secular minded fellow countrymen is bound to seem somewhat phoney so long as the secularist and Protestant opposes flatly all concessions leading to the rudimentary and primary step of non-secularist education."

We do not believe in tolerance. We believe in liberty, for Catholic, Protestant, and secularist. Protestants have no right to offer "tolerance" to Catholics. The latter have a right to every liberty that is rightfully claimed by any other citizen.

Any church folk who want to operate a day school for their children may do so in our land. We would oppose public aid for a Protestant school or a Jewish school as quickly and as vigorously as for a Catholic school.

We have been forced to conclude that some Catholic leaders are asking not for liberty but for *patronage*.

H. H. V.

Death of Dr. Rufus H. Weaver

DR. RUFUS W. WEAVER, an ardent champion of religious liberty and an opponent of anything that smacked of a union of church and state, died in Washington, D.C., on Friday, January 31.

Dr. Weaver had served the Baptists in many positions of responsibility and trust. He was a preacher, an educator, a lecturer, and an author. But his interests extended far beyond any denominational lines. He was the champion of causes that he believed just, regardless of whether they were popular.

We were honored to have him as one of our contributors from time to time. Our readers and the editors will miss him.

H. H. V.

Thanks

IN OUR LAST ISSUE, under the title "A Definition of True Freedom," we printed some wonderful statements concerning liberty, and said that we did not know who the author was.

A minister in California wrote us thus: "I was amazed to discover that you are ignorant of the authorship of the splendid passage on 'True Freedom' appearing on page 35 of your Volume 42, Number 1." He advises us that this was from a sermon by the Reverend William Ellery Channing, whom he calls the "first great leader of the Unitarian Church in America."

It is embarrassing to cause amazement by our ignorance, but we are glad for the information our reader sends, and glad to pass it on to our readers.

EDITORS.

LIBERTY, 1947

NEWS and COMMENT

Illinois Supreme Court Rules Bible Reading in Public Schools Legal

IN JANUARY the State Supreme Court of Illinois, by a unanimous opinion, rejected the appeal of Mrs. Vashti McCollum from a decision of the Illinois Sixth Circuit Court which had denied her petition to ban Bible classes in the Champaign schools. Her original suit was begun in 1945.

It is reported that Mrs. McCollum will carry her suit to the Supreme Court of the United States.

True Religion Has No Place for Coercion

RECENTLY WHILE READING the report of a sermon preached by a Toronto, Canada, pastor, we were particularly impressed by these words:

"I affirm that persecution, the coercive principle, should have no place in religion at all. You cannot make people Christians by external force. People become Christians by the operation of the divine Spirit upon heart and conscience; and that is entirely beyond all possibility of human achievement."

We can say a wholehearted Amen to this. Why anyone who has read history even casually should not have learned from all the ages past that the heart cannot be changed by force is beyond all comprehension.

"Freedom of the Press" in Vatican City

AN ASSOCIATED PRESS dispatch from Vatican City, under date of January 8, reports that Pope Pius XII said on that day that "unconditional liberty of the press and films could not be permitted if it operated 'to undermine the religious and moral foundations of the life of the people.'"

A government would be within its rights, of course, to prevent the printing of literature that was either treasonable or salacious, or to stop the showing of films that could be proved to be harmful. But to give anyone power to decide arbitrarily what can be printed or shown is dangerous.

Sunday Law Prosecutions

SUNDAY LAWS are being dusted off and used in several States.

In Little Compton, Rhode Island, ten hunters were
SECOND QUARTER

arrested and fined for hunting on Sunday under what a newspaper reporter calls "a revived Sunday Blue Law."

At Mount Vernon, Ohio, four were fined \$75 for trapping on Sunday.

In San Francisco a fine of \$500 was imposed upon a man charged with "commercial crab fishing on Sunday."

These are not all the prosecutions, they are only samples.

It occurs to us that common thoughtfulness and regard for one's neighbors would lead a person to avoid discharging firearms on their day of rest.

But for the life of us we cannot see who could be disturbed by the springing of a steel trap or the emptying of a crab pot.

But when a man sets himself up as a corrector of heretics or the guardian of another's morals, it takes little to send him off on a hunt for his victim.

Religious Liberty in Latin America

RELIGIOUS LIBERTY is evidently having an up-and-down battle in Latin America, if the word that comes from a number of countries of Central and South America is true.

In Panama it was reported that a law has been enacted which taxes all church property except that which is owned by Catholics.

In one of the provinces of Brazil the Baptists have been suffering pretty violent persecution.

On the other side of the picture it is reported that during 1946 Haiti, for the first time in her one hundred and forty-three years of independence, granted religious liberty to all her citizens.

In the circuit court of Lima, Peru, an opinion was given sustaining a lower court which condemned a Peruvian for violating a law which guaranteed religious liberty to all.

In Argentina a decree compelling all religious groups except the Roman Catholics to register with the government has been rescinded.

Man's Rights as a Man

AN INTERESTING PLEA was made by Dr. Ricardo J. Alfaro, of Panama, before a committee of the General Assembly of the United Nations at Lake Success, New York, recently, on behalf of the Panamanian draft of an international bill of human rights. He asked for recognition of human rights, not because of an individual's citizenship in any given state, but because these rights are based in natural law.

This is good doctrine. A man's rights reside in the

fact that he is a human being, equipped to live, to think, and to act. His personal ability to develop his faculties may be inferior, average, or superior. He may be thus hampered or benefited. But his opportunities in respect to his rights as a human being should not be limited by the external restraints of his fellows. Where he comes from or the social, political, or religious ideas he peaceably propagates should not result in restrictions on his freedom of opportunity.

Two Letters

February 7, 1947.

Dr. Eugene B. Elliott
Superintendent Public Instruction
Lansing, Mich.

DEAR DR. ELLIOTT:

Some time since a newspaper clipping was sent to my office reporting that "16 school districts have been operating parochial schools illegally and will be cut off from state school aid funds during the 1946-47 school year."

The person who sent me the clipping did not give the name and date of the publication. I am most anxious to secure information on this matter and would be pleased if you would send me the essential facts. I am enclosing a stamped addressed envelope for your convenience.

It may interest you to know that I am opposed to having tax funds used for sectarian purposes as I consider it a violation of one of the basic principles upon which our nation was founded.

Sincerely yours,

HEBER H. VOTAW.

HHV:LC.
SAE encl.

State of Michigan
DEPARTMENT OF PUBLIC INSTRUCTION
Eugene B. Elliott, Superintendent
LANSING

February 14, 1947.

Mr. Heber H. Votaw
Religious Liberty Association
6840 Eastern Avenue
Washington 12, D.C.

Dear Mr. Votaw:

Your letter of February 7 addressed to Dr. Elliott, Superintendent of Public Instruction, has been referred to me for reply.

The newspaper clipping to which you referred relative to school districts operating parochial schools illegally apparently was correct. In the state of Michigan, public schools districts are entitled to state aid, the amount being determined on the aver-

age number of children in membership. In about eighteen of our school districts there have been attempts made co-operatively by the school people and the Catholic church to count the children in the Catholic schools as members of the public school district. This procedure would increase the state aid for the public school and lessen the contribution of parents for their children attending the parochial school.

The inclusion of the children of a parochial school would have been satisfactory if it were not for the fact that the religious practices of the parochial school were still pretty generally carried out, even though it was listed as a public school.

The Superintendent of Public Instruction has the responsibility of seeing that state aid funds are used only for public school purposes, because of this fact, we made an intensive study of these schools and in no case did we find them operating thoroughly as public school districts. Because of this fact, no state aid funds are being paid for the children of the parochial schools that have previously been reported as public school children.

Yours very truly,

(s) C. L. TAYLOR

C. L. TAYLOR, Chief

Finance & Accounting Division

CLT:vns

Jehovah's Witnesses in Quebec

JEHOVAH'S WITNESSES, who have had remarkable protection at the hands of the United States Supreme Court, are not faring so well in Quebec. A good many references to their arrests in that province of the Dominion of Canada have been sent to us.

One angle to the problem up there is different from anything we have heard about in this country. *Saturday Night* of December 28, 1946, commenting on what many think is the overzealousness of the Jehovah's Witnesses in propagating their beliefs, and the fact that their methods probably intensified the feeling against them and inspired some arrests that might otherwise not have been made, said:

"These things would probably have caused little excitement even among Protestant lovers of liberty in Quebec, if Mr. Duplessis had not conceived the idea of preventing the enormous number of Witnesses who are being prosecuted from getting bail, by using his power as Attorney-General to take away the restaurant license held by Frank Roncarelli, the wealthiest member of the sect in the province, and the habitual provider of bail for arrested Witnesses. Mr. Roncarelli has undoubtedly provided a great deal of bail for a great many persons, but the idea that

there was anything wrong with that had never been put forward before. The bail is set by the courts, in accordance with their judgment as to what is most likely to aid the course of justice, and it seemed as though Mr. Duplessis was setting out in his capacity as Attorney-General to prevent that which the courts had authorized from becoming effective."

The Allegheny County (Pennsylvania) Fair and Sunday Opening

THE CONTROVERSY regarding the holding of a free fair in Allegheny County brought the following editorial comment in the *Pittsburgh Press*, January 13, 1947.

"The Free Fair On Sunday

"ALLEGHENY COUNTY is planning its first free fair since 1941.

"It is scheduled for Aug. 28 through Sept. 1.

"Sept. 1 is Labor Day. The day before, of course, is a Sunday.

"Since its inception, it has been customary to hold the fair over the Labor Day weekend. It is a propitious time for a fair, the odds in favor of good weather are high and the holiday weekend makes it possible for more people to attend.

"It is the best date of the year and one widely favored by the finest fairs in the nation.

* * *

"This year, however, a group of ministers has protested the Sunday date. The County Commissioners are considering the protest.

"In their deliberation, however, we hope the Commissioners will also consider the fact that thousands of Allegheny County people—because of their hours of employment or other factors—are unable to attend the fair except on a Sunday. That they will consider the precedent of previous fairs showing on Sunday, which aroused no general protest. That they will consider the fact that in the past—and no doubt this year—special programs appropriate to the day were featured.

"At the last fair, in 1941, 115,000 persons attended on Sunday. Since these people attended of their own free will, it is obvious there was no conflict with their religious or moral scruples. The fair does not interfere with any who may have principles to the contrary.

"The Allegheny Free Fair is one of the most wholesome enterprises ever undertaken by public officials in this community. It is educational, recreational and stimulating.

"All of these factors outweigh the protest now before the Commissioners."

SECOND QUARTER

The following day, January 14, the *Pittsburgh Press* reported:

"County Commissioner George Rankin turned Sunday School teacher yesterday to tell a ministers' group why it's all right to hold the County Fair on a Sabbath.

"I have been teaching two Bible classes for more than 35 years,' Mr. Rankin declared. 'I base my beliefs on what I teach and I cannot see where our County Fair is commercial in any way.'

"The Commissioner's statement was provoked by a charge contained in a letter from the Sabbath Assn. of Western Pennsylvania, which is objecting to plans to have next year's County Fair open on the Sunday before Labor Day.

"We hasten to urge you to alter your plans,' said the letter from the ministers' group, 'so as not to commercialize a day regarded as sacred.'

"This letter,' Mr. Rankin said, 'charges us with commercialism and violation of our oath of office, and I resent it. It's a reflection on the Board of Commissioners, and each one is a member of a church.'

"In an hour-long meeting in the Courthouse, most of the views were exchanged between Commissioner Rankin and Rev. R. M. Blackwood, secretary of the Sabbath Assn.

"Also present was Rev. G. Arthur Fry, president of the Pittsburgh Ministerial Assn. Both groups, with a total membership of several thousand, have united in a stand against a Sunday fair.

"Commissioner John J. Kane said the fair promoted no commercialism and added that a religious service in tribute to veterans had been planned.

"People go to the park anyway and many people can't go to the fair on weekdays,' he declared.

"For a few minutes Rev. Blackwood raised the legal aspect when he said holding the fair on Sunday was in violation of the Pennsylvania Sunday Law of 1794. He said the Legislature passed on certain sports and shows through referendums. 'The Legislature must amend the Sunday Law of 1794 before the County Fair could be held legally on Sunday.'

"Rev. Fry claimed holding the fair on a Sabbath was 'aiding the forces of secularism.' He added that the fair contained special attractions, and added 'even though I go to North Park on Sunday with my family I couldn't go to a fair on Sunday.'

"The arguments of Rev. Fry and Rev. Blackwood were backed up by Rev. Murray C. Reiter, Ministerial Union secretary and president of the Sabbath Assn., and Rev. T. J. King, Ministerial Union treasurer.

"The commissioners reserved decision."

Pennsylvania has long been known for its stringent Sunday laws. Pittsburgh is the home of the National Reform Association, an organization that urges the strictest enforcement of the bluest laws. Its officers

seem to feel that they know what is best for everybody, and do not hesitate to call upon civil officers to enforce certain purely religious obligations.

If there were an attempt being made to force anyone to attend a fair on Sunday who was opposed by religious conviction to doing so, the preachers of the Pittsburgh area would be everlastingly right in opposing this. But when they try to prevent people from going to the fair, because they do not want them to go—well, that is something else.

We shall await with interest the fate of the fair.

Church and State Should Not Mix

THE ILLINOIS SUPREME COURT has upheld the legality of a program of voluntary religious education in the public schools of Champaign.

The Champaign program, on the word of the supreme court, must now be considered lawful, but it cannot be considered sound public policy in spite of the high motives of the people who organized it and their effort to avoid the interdenominational strife that followed experiments with Bible reading in the schools years ago. Attendance at classes of religious instruction in Champaign was made voluntary, and separate classes for the various faiths were provided, with teachers drawn from outside the regular school faculty.

Of this program the court said: "Our government very wisely refuses to recognize a specific religion but this cannot mean that the government does not recognize nor subscribe to religious ideals. To deny the existence of religious motivation is to deny the inspiration and authority of the Constitution itself."

It is a far stretch of logic to conclude from the fact that our government recognizes and subscribes to religious ideals that it is the function of government to inculcate those ideals. There are few people in this or any other American state who will side with the plaintiff in the Champaign case in doubting the value of a religious education. It is not the American plan of government, however, to make the state a participant in all desirable activities, much as the extreme New Dealers would like to do that. We have seen what that system produces in other countries; the thing that it is least capable of producing is the fear of God and the love of one's fellow men.

Religious training in this country has always been the function of the family and the church, working together. The fact that these agencies may not be doing as good a job as might be hoped for is no excuse for turning over any part of the task to the public schools.—*Chicago Daily Tribune*, Feb. 5, 1947.

Another Aspect of Citizenship

THE *Times-Herald* of Washington, D.C., in its issue of February 5, 1947, had the following item:

"Justice T. Alan Goldsborough yesterday denied citizenship to a salesman who admitted being a member of Jehovah's Witnesses during naturalization ceremonies in District Court.

"The sect-member, Anthony Harritos, 54, of the 4000 block Harrison St. N.W., a Greek immigrant, when asked if he would bear arms during war, testified that he would not and that he would be 'neutral.' He said, 'St. Paul and Abraham were neutral. It's a Christian's duty to be neutral.'

"Immigration authorities also opposed his citizenship on the grounds that he had failed to prove he was attached to the principles of the Constitution, and that he would not 'be well disposed towards the good order and happiness of the United States.'

"After Harritos presented a pamphlet entitled 'Neutrality' to the court Goldsborough said: 'By your claims you don't choose to be a member of any nationality,' and denied the petition."

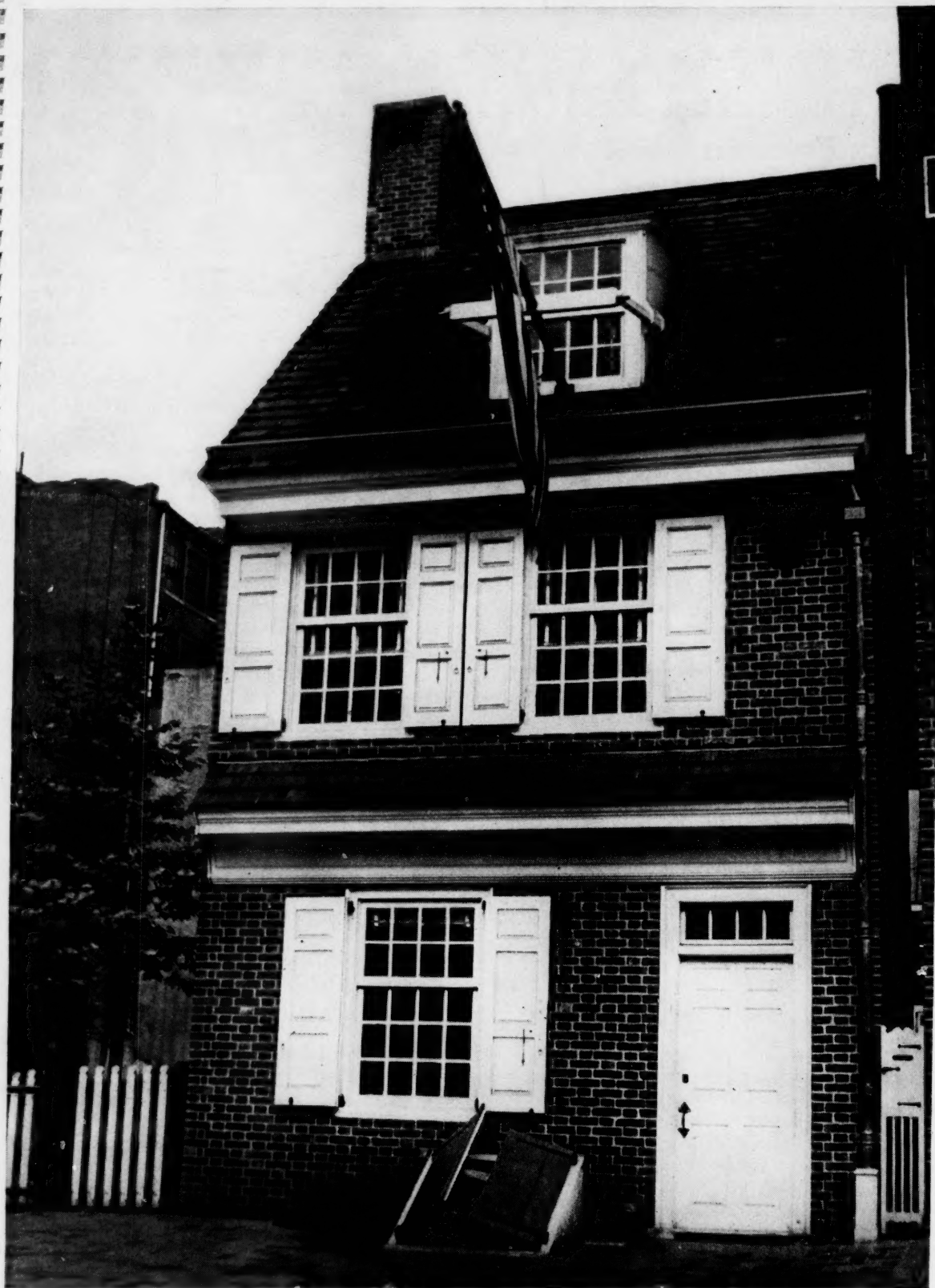
We think that Judge Goldsborough would hardly have denied the man citizenship simply because he would not bear arms in view of the Supreme Court decision in the Girouard case. We will be anxious to learn whether or not the Jehovah's Witnesses will appeal the matter.

Never Too Late to Help the Red Cross

EVERY WEEK throughout the year in some part of our nation disaster strikes—in fire, flood, storm, and epidemic. No individual, no family, no community, is immune. The Red Cross is organized to act whenever disaster occurs. Through your generous support of the Red Cross you strengthen a vast program of mercy and service here and abroad. How well your Red Cross does its task depends on you, for your gifts enable it to carry on. Your Red Cross is on the job every hour of every day. Are you on the job with it in bringing relief to suffering humanity?



LIBERTY, 1947



H. A. ROBERTS

In This House on Arch Street in Philadelphia, Pennsylvania, According to a Pleasing Legend, Betsy Ross Made the First American Flag at the Request of George Washington

